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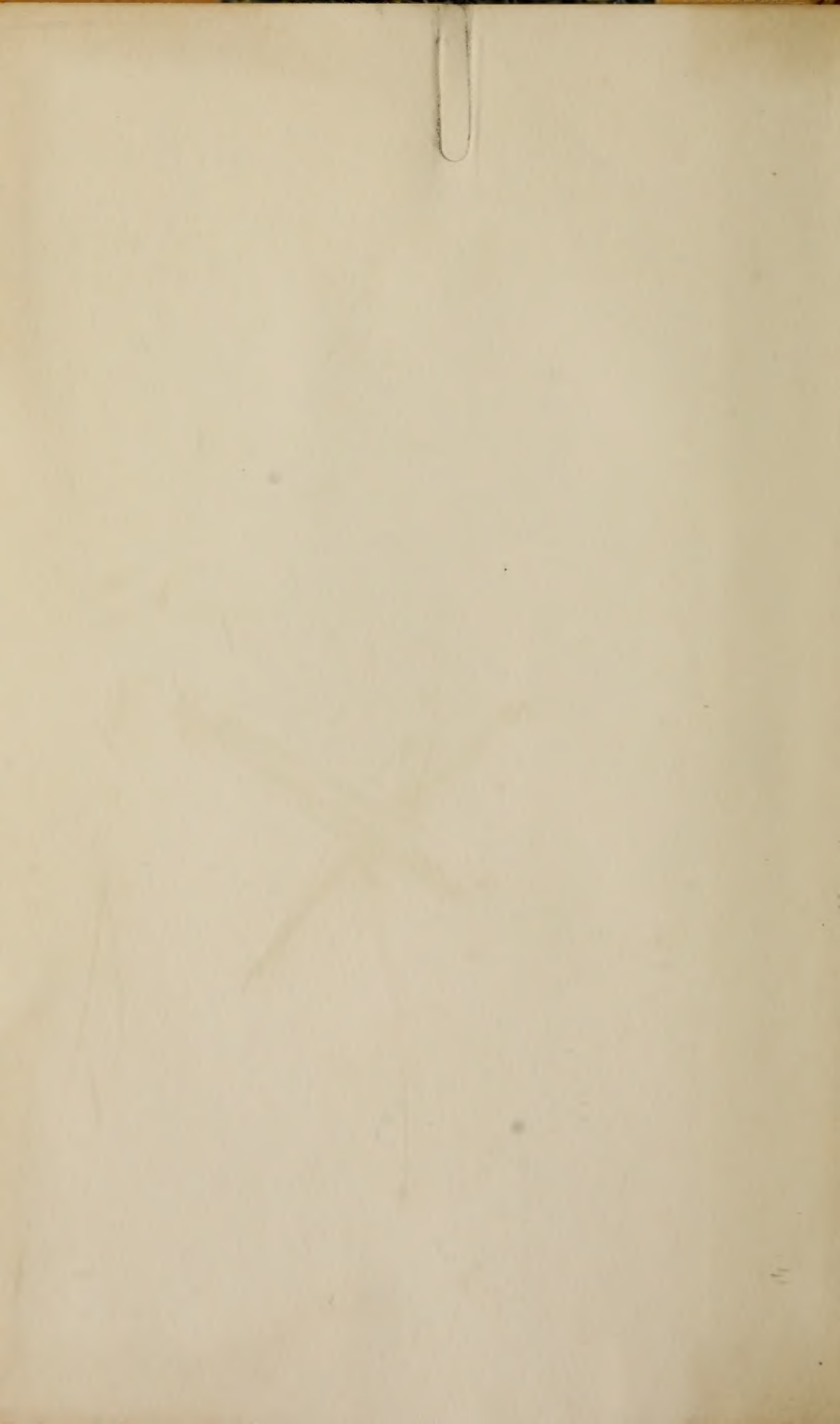


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THE JOURNAL OF THE SENATE

DURING THE

THIRTY-NINTH (EXTRA) SESSIONS

OF THE

LEGISLATURE OF THE STATE OF CALIFORNIA

1911

Began on Monday, November Twenty-seventh, and ended on Sunday, December
Twenty-fourth, Nineteen Hundred and Eleven



SACRAMENTO

FRIEND WM. RICHARDSON - - SUPERINTENDENT OF STATE PRINTING
1912

THE

JOURNAL OF THE SENATE

THIRTY-NINTH (EXTRA) SESSIONS

LEGISLATURE OF THE STATE OF CALIFORNIA

1911

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Twenty-fourth, Nineteen Hundred and Eleven



W. A. R. M. M. C. O.
Printed by the State Printer, Sacramento, California
1911

INDEX TO DAILY JOURNALS OF THE SENATE.

THIRTY-NINTH (EXTRA) SESSIONS.

	PAGE.
November 27 -----	1
November 28 -----	7
November 29 -----	11
December 1 -----	23
December 2 -----	26
December 4 -----	34
December 5 -----	37
December 6 -----	41
December 7 -----	46
December 8 -----	59
December 9 -----	75
December 11 -----	99
December 12 -----	124
December 13 -----	143
December 14 -----	247
December 15 -----	267
December 16 -----	291
December 18 -----	341
December 19 -----	359
December 20 -----	393
December 21 -----	417
December 22 -----	436
December 23 -----	470
December 24 -----	504

SECOND (EXTRA) SESSION.

December 24 -----	1
-------------------	---

STATE OF NEW YORK

IN SENATE

1	1890	1891
2	1892	1893
3	1894	1895
4	1896	1897
5	1898	1899
6	1900	1901
7	1902	1903
8	1904	1905
9	1906	1907
10	1908	1909
11	1910	1911
12	1912	1913
13	1914	1915
14	1916	1917
15	1918	1919
16	1920	1921
17	1922	1923
18	1924	1925
19	1926	1927
20	1928	1929
21	1930	1931
22	1932	1933
23	1934	1935
24	1936	1937
25	1938	1939
26	1940	1941
27	1942	1943
28	1944	1945
29	1946	1947
30	1948	1949
31	1950	1951
32	1952	1953
33	1954	1955
34	1956	1957
35	1958	1959
36	1960	1961
37	1962	1963
38	1964	1965
39	1966	1967
40	1968	1969
41	1970	1971
42	1972	1973
43	1974	1975
44	1976	1977
45	1978	1979
46	1980	1981
47	1982	1983
48	1984	1985
49	1986	1987
50	1988	1989
51	1990	1991
52	1992	1993
53	1994	1995
54	1996	1997
55	1998	1999
56	2000	2001
57	2002	2003
58	2004	2005
59	2006	2007
60	2008	2009
61	2010	2011
62	2012	2013
63	2014	2015
64	2016	2017
65	2018	2019
66	2020	2021
67	2022	2023
68	2024	2025
69	2026	2027
70	2028	2029
71	2030	2031
72	2032	2033
73	2034	2035
74	2036	2037
75	2038	2039
76	2040	2041
77	2042	2043
78	2044	2045
79	2046	2047
80	2048	2049
81	2050	2051
82	2052	2053
83	2054	2055
84	2056	2057
85	2058	2059
86	2060	2061
87	2062	2063
88	2064	2065
89	2066	2067
90	2068	2069
91	2070	2071
92	2072	2073
93	2074	2075
94	2076	2077
95	2078	2079
96	2080	2081
97	2082	2083
98	2084	2085
99	2086	2087
100	2088	2089
101	2090	2091
102	2092	2093
103	2094	2095
104	2096	2097
105	2098	2099
106	2100	2101
107	2102	2103
108	2104	2105
109	2106	2107
110	2108	2109
111	2110	2111
112	2112	2113
113	2114	2115
114	2116	2117
115	2118	2119
116	2120	2121
117	2122	2123
118	2124	2125
119	2126	2127
120	2128	2129
121	2130	2131
122	2132	2133
123	2134	2135
124	2136	2137
125	2138	2139
126	2140	2141
127	2142	2143
128	2144	2145
129	2146	2147
130	2148	2149
131	2150	2151
132	2152	2153
133	2154	2155
134	2156	2157
135	2158	2159
136	2160	2161
137	2162	2163
138	2164	2165
139	2166	2167
140	2168	2169
141	2170	2171
142	2172	2173
143	2174	2175
144	2176	2177
145	2178	2179
146	2180	2181
147	2182	2183
148	2184	2185
149	2186	2187
150	2188	2189
151	2190	2191
152	2192	2193
153	2194	2195
154	2196	2197
155	2198	2199
156	2200	2201
157	2202	2203
158	2204	2205
159	2206	2207
160	2208	2209
161	2210	2211
162	2212	2213
163	2214	2215
164	2216	2217
165	2218	2219
166	2220	2221
167	2222	2223
168	2224	2225
169	2226	2227
170	2228	2229
171	2230	2231
172	2232	2233
173	2234	2235
174	2236	2237
175	2238	2239
176	2240	2241
177	2242	2243
178	2244	2245
179	2246	2247
180	2248	2249
181	2250	2251
182	2252	2253
183	2254	2255
184	2256	2257
185	2258	2259
186	2260	2261
187	2262	2263
188	2264	2265
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190	2268	2269
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192	2272	2273
193	2274	2275
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264	2416	2417
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369	2626	2627
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371	2630	2631
372	2632	2633
373	2634	2635
374	2636	2637
375	2638	2639
376	2640	2641
377	2642	2643
378	2644	2645
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383	2654	2655
384	2656	2657
385	2658	2659
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387	2662	2663
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389	2666	2667
390	2668	2669
391	2670	2671
392	2672	2673
393	2674	2675
394	2676	2677
395	2678	2679
396	2680	2681
397	2682	2683
398	2684	2685
399	2686	2687
4		

CALIFORNIA LEGISLATURE—SENATE.

THIRTY-NINTH (EXTRA) SESSION.

IN SENATE.

SENATE CHAMBER,

Monday, November 27, 1911.

The Senate met at two o'clock P. M., in pursuance to the proclamation of his Excellency Hiram W. Johnson, Governor of the State of California, dated November 21, 1911, convening the Legislature of the State of California in extraordinary session.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair, by virtue of Section 238, Article II of the Political Code.

Pursuant to Section 237, of Article II of the Political Code, Walter N. Parrish, Secretary of Senate; R. H. Jackson, Minute Clerk, and Joseph L. Coughlin, Sergeant-at-Arms, were present, and occupied their respective positions.

Lieutenant Governor Albert J. Wallace now called the Senate to order.

The roll was called and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer was offered by Rev. Clarence Woodman, C. S. P.

PROCLAMATION OF THE GOVERNOR.

The President directed the Secretary, Walter N. Parrish, to read the proclamation by the Governor convening the Legislature in extraordinary session.

Whereupon, the Secretary read the following proclamation:

PROCLAMATION BY THE GOVERNOR CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

WHEREAS, An extraordinary occasion has arisen and now exists, requiring that the Legislature of the State of California be convened,

Now, therefore, I, Hiram W. Johnson, Governor of the State of California, by virtue of the power and authority in me vested by Section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet and assemble in extraordinary session, at Sacramento, California, on Monday, the twenty-seventh day of November, one thousand nine hundred and eleven, at two o'clock P. M. of that day, for the following purposes and to legislate upon the following subjects, to wit:

1. To provide for the expression of the choice of the electors of the State of California for President of the United States; and to legislate concerning a presidential

preference primary; and to consider and legislate upon the subject of direct primary for President of the United States wherein and whereby the people of the State of California may express their preference for President of the United States, and may by direct vote select delegates to the national conventions which have for their purpose the choosing of candidates for President of the United States; and to do in behalf of the matters and things herein mentioned all that may be deemed necessary and appropriate.

2. To adjust the senatorial and assembly districts of the State of California and to reapportion the representation in the Legislature of the State of California, and to divide the State in accordance with Section 6 of Article IV of the Constitution, into senatorial and assembly districts; to adjust the congressional districts of the State and to divide the State in accordance with the Act of Congress approved August 8th, 1911, into eleven congressional districts; and to redistrict and divide the State into equalization districts in accordance with Section 9 of Article XIII of the Constitution.

3. To enact such modifications of and additions to the election laws of the State of California as may be deemed necessary or expedient to carry out with facility, and effectually and fully, the right of suffrage granted to women by Senate Constitutional Amendment No. 8, adopted by the people October 10, 1911, by which Section 1 of Article II of the Constitution of the State of California was amended; to enact all necessary laws in relation to elections and to registration of electors; to amend the direct primary law of the State of California; and to provide for and to create the office of registrar of voters in the counties where said office is not now provided for or created by law.

4. To provide for the inspection, measurement, and graduation of merchandise, manufactured articles and commodities, and for the appointment of such officers as may be necessary for such inspection, measurement, and graduation.

5. To enact legislation to define the powers and duties of the Railroad Commission and the powers and duties of public utilities, their officers, agents and employees, and the rights, duties and remedies of patrons of public utilities; and to define offenses by public utilities, their officers, agents and employees, and other persons or corporations, and providing penalties for such offenses, and to make an appropriation to carry out such legislation, and to enact legislation providing the method by which cities and counties or incorporated cities or towns may confer upon the Railroad Commission or thereafter reinvest themselves with powers of control vested in them over public utilities.

6. To consider and act upon legislation pertaining to irrigation and irrigation district bonds, and to revise and amend the irrigation district act.

7. To consider and act upon an amendment to the Constitution of the State of California, whereby free text-books shall be furnished by the State to the school children of the State.

8. To enact laws and pass resolutions concerning the report of the California Débris Commission, transmitted to the Speaker of the House of Representatives by the Secretary of War on the 27th day of June, 1911, and directing the State Engineer in relation to surveys and procuring data concerning said report, and directing the manner of approval of plans of reclamation upon and adjacent to the rivers and streams of California, and to make an appropriation to pay the expenses of the State Engineer in the performance of such additional duties as may be imposed, and creating a reclamation board and defining its powers.

9. To place under the charge, control, supervision, direction, and designation of the State Board of Control all publications of advertisements by any officer, board or commission of the State; and hereafter to have all advertising provided for by any law or advertising that is paid for, or is a charge against the State, controlled, supervised, directed, and designated by the State Board of Control.

10. To approve or reject the charter of the city of Stockton, adopted by the people of that city at an election held on the 17th day of October, 1911.

11. To approve or reject the charter of the city of Sacramento, adopted by the people of that city at an election held on the 7th day of November, 1911.

12. To amend the law relating to highway commissions in counties so that engineers who are not freeholders of their particular counties may become members of the county highway commissions.

13. To legislate in aid of "An Act relating to the liability of employers for injuries or death sustained by their employés, providing for compensation for the accidental injury of employés, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards," approved April 8, 1911, by requiring employers, physicians, and insurance companies to report to the Industrial Accident Board all facts relative to the happening, cause, nature and seriousness of accidents under their observation, together with such settlements as are made therefor; and to require the publication and dissemination by the Industrial Accident Board of information and facts acquired by it; and to amend the law relating to interinsurance so as to permit employers to arrange reciprocal or interinsurance among themselves to indemnify one another against loss caused by accidents to their employés.

14. To change, fix, and define the limits and boundaries of Reclamation District 535; and to exclude lands therefrom.

15. To consider and amend an act entitled, "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911.

16. To consider and amend the law creating "The Bureau of Building and Loan Supervision," and the "Building and Loan Commissioner," and to enlarge and increase the powers of the Building and Loan Commissioner.

17. To consider and take action upon legislation providing for the manner of exercising the powers of the initiative and referendum by the electors of the several counties, cities and counties, cities and towns and other political subdivisions of the State.

18. To consider and take action upon legislation providing for the manner of exercising the powers of the recall by the electors of the several counties, cities and counties, cities and towns, supervisor districts, school districts, and of other political subdivisions and of other public corporations of the State.

19. To take legislative action relative to water, the use of water, water rights, the appropriation of water, and the appropriation of the use of water; also to reenact, modify, amplify, or amend an act entitled, "An Act regulating and limiting the appropriation of water," etc., approved April 8, 1911.

20. To amend Section 20 of the "Bank Act" in respect to reserve of commercial banks.

21. To provide for and to authorize the settlement and adjustment of the controversy between the State of California and the Federal Government respecting the school land grants and other grants made by the Federal Government to the State. Also to amend Section 3494 of the Political Code of the State of California, relating to state school and other lands, fixing the price of such lands and the terms and conditions of sale thereof.

22. To amend Section 1 of an act entitled, "An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expense of acquiring such land," approved April 22, 1909, by extending its operation to the acquiring of land for public library purposes.

23. To amend Section 1855a of the Code of Civil Procedure relating to the admission in evidence of abstracts of title therein described by making such abstracts of title admissible in evidence whether made, issued or certified before or after conflagration or other public calamity.

24. To appropriate out of any money not otherwise appropriated the sum of one million five hundred thousand dollars for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November, in the year one thousand nine hundred and ten, as is provided in section fourteen of article thirteen of the Constitution of this State, and as provided in an Act of the thirty-ninth session of the Legislature entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations, banks and insurance companies for the benefit of the State, all relating to revenue and taxation," and of said moneys appropriated the sum of seven hundred and fifty thousand dollars, or so much thereof as may be necessary, shall be available for the fiscal year ending June thirtieth, nineteen hundred and twelve, and the sum of seven hundred and fifty thousand dollars, or so much thereof as may be necessary, shall be available for the fiscal year ending June thirtieth, one thousand nine hundred and thirteen.

25. To amend an Act entitled, "An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as and numbered Section 2185c, relating to arrest, hearing, and commitment of inebriates and drug habitués to a state hospital for the insane," by providing that persons of bad character and bad repute, apart from the habit of inebriety, shall not be committed as set forth in said Act, and by providing also that it must be determined upon examination, that there is reasonable ground for hope that the person to be committed as set forth in said Act is susceptible to benefit from said treatment, and providing also that the Lunacy Commission shall be given power to discharge a person committed under said Act upon the recommendation of the Hospital Superintendent, when satisfied that such person will not receive substantial benefit from further hospital treatment.

26. To amend Section 1837 of the Political Code of the State of California, by providing that district school taxes voted in any fiscal year may be levied by the board of supervisors in the succeeding fiscal year if not previously levied by said board.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed hereto the Great Seal of the State of California at my office in the State Capitol, this 21st day of November, in the year of our Lord one thousand nine hundred and eleven, and of the admission of the State of California the sixty-first.

HIRAM W. JOHNSON, Governor.

Attest: FRANK C. JORDAN, Secretary of State.

RESOLUTIONS.

The following resolutions were introduced:

By Senator Boynton:

Resolved, That the Senate do now organize and proceed to elect the officers and employees of the Senate for this extra session.

Resolution read and adopted.

By Senator Bell:

Resolved, That Hon. A. E. Boynton be and he is hereby elected President pro tem. of the Senate; that Walter N. Parrish be and he is hereby elected Secretary of the Senate; that Joseph L. Coughlin be and he is hereby elected Sergeant-at-Arms of the Senate; that R. H. Jackson be and he is hereby elected Minute Clerk of the Senate; that Rev. H. H. Wyman be and he is hereby elected Chaplain of the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—37.

NOES—None.

Whereupon the President declared each person named in the foregoing resolution duly elected.

By Senator Thompson:

Resolved, That the Standing Rules of the Senate at the thirty-ninth regular session be and the same are hereby adopted as the rules of the Senate at this special session; *provided, however*, that Rule 1 shall be amended to read:

1. The sessions of the Senate shall be daily (Sundays excepted), beginning at ten o'clock A. M.

And provided, further, that Rule 8 be amended to read:

8. The standing committees of the thirty-ninth regular session shall be the standing committees of this extra session.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—38.

NOES—None.

By Senator Cutten:

Resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate is now duly organized and ready to proceed to the business of the State, having elected the following statutory officers:

President pro tem.	Hon. A. E. Boynton
Secretary of the Senate	Walter N. Parrish
Sergeant-at-Arms	Joseph L. Coughlin
Minute Clerk	R. H. Jackson
Chaplain	Rev. H. H. Wyman

Resolution read and adopted.

By Senator Stetson:

Resolved, That a committee of three Senators be appointed by the President of the Senate to notify the Governor of the organization of the Senate, and that the Senate is now ready for business and to receive any communication he may have to make.

Resolution read and adopted.

APPOINTMENT OF COMMITTEE TO WAIT UPON GOVERNOR.

In compliance with the above resolution, the President of the Senate appointed Senators Stetson, Cutton, and Cartwright as such committee.

RECESS.

At two o'clock and thirty minutes P. M., on motion of Senator Boynton, the President declared the Senate at recess until three o'clock and thirty minutes P. M. of this day.

RECONVENED.

At three o'clock and thirty minutes P. M. the Senate reconvened. Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

REPORT OF COMMITTEE TO WAIT UPON GOVERNOR.

MR. PRESIDENT: Your committee of three, appointed to wait upon the Governor, respectfully beg leave to report that they have informed him that the Senate is organized and is ready for business.

STETSON, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

To the Legislature of the State of California:

The Legislature has been convened in extraordinary session for the purposes that are specifically set forth in the proclamation that has been heretofore duly issued. When the call for the extra session was made, a copy was sent to each of the members that all might be familiar with the work necessary to be done. Some of the matters embraced within this call imperatively demand action; others are formal in character. All alike, however, those that are difficult and those that are not, are submitted to you in the firm belief, justified by your previous action, that your solution of every problem will be just, adequate, and speedy. Because of thorough preparation and complete knowledge on your part of the matters concerning which you are to legislate, I do not attempt to specify in detail the subjects before you. I would, however, call to your attention one fact that is evident, that those who would wish this Legislature ill, and who care nothing for the State, desire that you become embroiled during this special session so that you will not, within a reasonable period, accomplish the purposes for which you have been called together. I trust, therefore, that the same spirit which you displayed with such marked success and accomplishment, at your regular session, will prevail in your present deliberations.

Respectfully,

HIRAM W. JOHNSON,
Governor of California.

Dated, November 27, 1911.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Stetson, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 27, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly is now duly organized and ready to proceed to the business of the State, having elected the following statutory officers:

Hon. A. H. Hewitt	Speaker
Hon. H. G. Cattell	Speaker pro tem.
L. B. Mallory	Chief Clerk
T. G. Walker	First Assistant Chief Clerk
H. A. Harper	Minute Clerk
Ed H. Whyte	Sergeant-at-Arms
Rev. Frank K. Baker	Chaplain

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

REGULAR ORDER OF BUSINESS.

Senator Boynton moved that the Senate do now proceed with the regular order of business.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Black: Senate Bill No. 1—An Act to amend sections one, three, four, nine, ten, and eleven of an Act known as "The Building and Loan Commission Act," Chapter 354, Laws of 1911, approved April 5, 1911, relating to the powers and duties of the Building and Loan Commissioner.

Bill read first time, and referred to Committee on Banking.

By Senator Shanahan: Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books.

Constitutional amendment referred to Committee on Education.

By Senator Welch: Senate Bill No. 2—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this Act; for the admission in evidence of copies of the State's standards of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this Act, including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this Act into effect.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hare: Senate Bill No. 3—An Act to amend Section 1280 of the Political Code of the State of California, relating to the official canvass of election returns.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Stetson: Senate Bill No. 4—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149e and 4149f, providing for the appointment of a registrar of voters, prescribing his duties and fixing his term of office.

Bill read first time, and referred to Committee on County Government.

By Senator Strobbridge: Senate Bill No. 5—An Act to amend section four thousand and thirteen of the Political Code of California, relating to the officers of a county.

Bill read first time, and referred to Committee on County Government.

By Senator Tyrrell: Senate Bill No. 6—An Act to amend Section 4232 of the Political Code of California, relating to the salaries and fees of officers in counties of the third class.

Bill read first time, and referred to Committee on County Government.

LEAVE OF ABSENCE.

Senator Hewitt was, on motion of Senator Bell, granted leave of absence for this day.

ADJOURNMENT.

At three o'clock and forty minutes P. M., on motion of Senator Bell, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, November 28, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holo-han, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer was offered by Rev. Clarence Woodman, C. S. P.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, November 27, 1911, the further reading was dispensed with, on motion of Senator Rush.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT.
SACRAMENTO, November 28, 1911.

To the Senate of the State of California:

I have the honor to inform your honorable body that since the adjournment of the thirty-ninth session of the Legislature, I have made the following appointments, and request your concurrence therein and consent thereto:

May 3, 1911, Wm. E. McVay, of Los Angeles, a Trustee of the Reform School for Juvenile Offenders at Whittier, vice T. E. Newlin, term expired.

May 3, 1911, Benj. F. Pearson, of Los Angeles, a Trustee of the Reform School for Juvenile Offenders at Whittier, vice James Clarke, term expired.

April 25, 1911, Phillip E. Bowles, of Piedmont, a member of the Board of Regents of the State University, vice Thomas R. Bard, resigned.

April 25, 1911, Charles S. Wheeler, of San Francisco, a member of the Board of Regents of the State University, vice Jacob Reinstein, deceased.

July 12, 1911, James K. Moffitt, of Oakland, a member of the Board of Regents of the State University, vice Frank S. Johnson, deceased.

August 4, 1911, Frank M. Newbert, of Sacramento, a Fish and Game Commissioner, vice David Starr Jordan, resigned.

July 25, 1911, Thomas S. Williams, of San Francisco, a member of the Board of Harbor Commissioners of San Francisco, vice Marshall Hale, resigned.

April 8, 1911, A. E. Roberts, of San Diego, a member of the State Board of Harbor Commissioners for the bay of San Diego, vice Charles W. Oesting, term expired.

April 5, 1911, E. W. Burke, of Highlands, a member of the Board of Managers of the Southern California State Hospital, vice Francis M. Parker, term expired.

April 5, 1911, E. P. Clarke, of Riverside, a member of the Board of Managers of the Southern California State Hospital, vice self, term expired.

April 25, 1911, J. Arthur Elston, of Berkeley, a Trustee of the California Institute for the Deaf and the Blind, vice Thomas Rickard, deceased.

May 10, 1911, W. B. Nutter, of Stockton, a member of the Board of Managers of the Stockton State Hospital, vice J. C. Thompson, deceased.

July 20, 1911, Dennis M. Duffy, of San Francisco, a member of the State Board of Prison Directors, vice C. E. Clinch, resigned.

August 15, 1911, A. J. Pillsbury, of Berkeley, a member of the Industrial Accident Board, created by Chapter 399 of the Statutes of 1911, for four years.

August 15, 1911, Will J. French, of San Francisco, a member of the Industrial Accident Board, created by Chapter 399 of the Statutes of 1911, for three years.

August 15, 1911, W. I. Morrison, of Pasadena, a member of the Industrial Accident Board, created by Chapter 399 of the Statutes of 1911, for two years.

August 29, 1911, William R. Cushman, of San Diego, a member of the Board of Pilot Commissioners for the Harbor of San Diego, created by Chapter 102 of the Statutes of 1911.

August 29, 1911, E. S. Potter, of San Diego, a member of the Board of Pilot Commissioners for the harbor of San Diego.

September 11, 1911, Rabbi Martin A. Meyer, of San Francisco, a member of the State Board of Charities and Corrections, vice Rev. J. K. McLean, resigned.

November 25, 1911, Carrie T. Bryant, of Los Angeles, a member of the State Board of Charities and Corrections, vice E. C. Moore, resigned.

November 27, 1911, Fred Baker, of San Diego, a member of the Board of Trustees of the San Diego Normal School, vice John S. Ackerman, term expired.

November 27, 1911, C. N. Andrews, of San Diego, a member of the Board of Trustees of the San Diego Normal School, vice Philip Morse, term expired.

November 23, 1911, Friend Wm. Richardson, of Berkeley, Superintendent of State Printing, vice W. W. Shannon, resigned.

November 28, 1911, Carl Westerfeld, of San Francisco, a Fish and Game Commissioner, vice Fred G. Sanborn, resigned.

Respectfully submitted.

HIRAM W. JOHNSON, Governor of California.

Message referred to Committee on Executive Communications.

RESOLUTION.

The following resolution was introduced:

By Senator Roseberry:

Resolved. That the following named persons be and they are hereby appointed to the respective positions and at the various salaries stated opposite their names, to wit:

Robert Bonnel, Assistant Minute Clerk.....	\$5 00 per day
Arthur Dittnoch, Stenographer.....	5 00 per day
Mrs. D. Nepp, Stenographer.....	5 00 per day
John Mayer, Assistant Bill Filer.....	4 00 per day
Andrew McDevitt, Assistant Bill Filer.....	4 00 per day
Denis S. Brosnan, Journal Clerk.....	6 00 per day
Frank Weymouth, Press Mailing Clerk.....	4 00 per day
Eva Spencer, Assistant Postmistress.....	4 00 per day
George W. Conart, Assistant Sergeant-at-Arms.....	5 00 per day
Lewis H. Brown, Stenographer.....	5 00 per day
A. J. Turner, History Clerk.....	6 00 per day
Miss Ola H. Gass, Postmistress.....	4 00 per day
Ed Perry, Assistant Sergeant-at-Arms.....	5 00 per day
J. F. R. Arellanes, Assistant Journal Clerk.....	5 00 per day
A. T. Shine, Committee Clerk (Judiciary).....	6 00 per day
D. Dieckhoff, Chief Bill Filer.....	5 00 per day
Wm. H. Wright, Assistant Secretary.....	6 00 per day
J. O. Hestwood, Engrossing and Enrolling Clerk.....	6 00 per day
M. Fitzpatrick, Assistant Sergeant-at-Arms.....	5 00 per day
Samuel Wacholder, Assistant Sergeant-at-Arms.....	5 00 per day
H. P. Travers, Assistant Secretary.....	6 00 per day
Frank Mattison, Assistant Secretary.....	6 00 per day
William Saunders, Page.....	2 50 per day
George Steers, Page.....	2 50 per day
Frank Branch, Page.....	2 50 per day
William Gans, Porter.....	3 00 per day
Ottie Smith, Stenographer.....	5 00 per day

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobbridge, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Burnett: Senate Bill No. 7—An Act making an appropriation for the purpose of carrying out the provisions of the California Railroad Commission Act.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 8—An Act to amend Section 1855a of the Code of Civil Procedure, relative to the introduction of abstracts of title in evidence.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 9—An Act to provide for the organization of the railroad commission, to define its powers and duties and the powers and duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act.

Bill read first time, and referred to Committee on Corporations.

RUSH ORDER TO PRINTER.

On motion of Senator Burnett, the Secretary was directed to issue a rush order for printing Senate Bill No. 9.

PRINTING OF SENATE BILL NO. 9.

Senator Burnett moved that 1,500 copies of Senate Bill No. 9 be printed, in addition to those provided for under Rule 22 of the Standing Rules of the Senate, and that the 1,500 additional copies be provided with an index.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED).

By Senator Hare: Senate Bill No. 10—An Act to amend Section 1142 of the Political Code of the State of California, relating to elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Roseberry: Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Acci-

dent Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed twelve thousand five hundred dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911."

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 12—An Act to provide for the keeping by employers of a record of injuries suffered by their employees; the reporting of such injuries to the Industrial Accident Board by employers and attending physicians; the keeping by employers and insurance companies of records of claims for injuries suffered by employees and of compromises and settlements made therefor and requiring the reporting thereof to said board; and fixing a penalty for refusal or neglect to keep such records or make such reports.

Bill read first time, and referred to Committee on Corporations.

By Senator Boynton: Senate Bill No. 13—An Act relating to the advertising and publication of notices, publications and advertisements by state officers, boards, commissions, bureaus and departments, directing that all notices, advertisements and publications when prepared be delivered to the State Board of Control and vesting in the State Board of Control the exclusive charge, control, supervision, direction, designation, management and regulation of the giving, advertising, noticing and publication of all advertisements, publications and notices to be inserted in newspapers or other mediums, revoking all such authority heretofore given to any state officer, board, commission, bureau or department, and repealing all Acts and parts of Acts in conflict herewith.

Bill read first time, and referred to Committee on Judiciary.

LEAVE OF ABSENCE.

Senator Caminetti was, on his own motion, granted leave of absence until December 1, 1911.

ADJOURNMENT.

At ten o'clock and fifty-five minutes, A. M., on motion of Senator Stetson, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Wednesday, November 29, 1911

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—35.

Quorum present.

PRAYER.

Prayer was offered by Rev. Clarence Woodman, C. S. P.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, November 28, 1911, the further reading was dispensed with, on motion of Senator Rush.

COMMUNICATION.

SAN DIEGO, CALIFORNIA, November 28, 1911.

Lieutenant Governor A. J. Wallace, Sacramento, California:

The Panama-California Exposition will be held in San Diego during the entire year of 1915. We respectfully ask that any legislation calculated to advertise or further the interests of expositions in California include both great expositions to be held in 1915.

J. W. SEFTON, Director General.

MOTION.

On motion of Senator Wright, the communication was received and ordered printed in the Journal.

RESOLUTIONS.

The following resolutions were introduced:

By Senator Estudillo:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby authorized to receipt to the Controller for all warrants issued to the members, officers and attachés of the Senate.

Resolution read and adopted.

By Senator Roseberry:

Resolved, That the following named persons be and they are hereby appointed to the respective positions and at the various salaries stated opposite their names, to wit:

Theodore Lafayette	Assistant Minute Clerk at \$5 00 per day
Eddie Murphy	Bill Filer at \$4 00 per day
Eddie Cameron	Bill Filer at \$4 00 per day
M. Carey	Bill Filer at \$4 00 per day
M. Dougherty	Porter at \$3 00 per day

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, November 29, 1911.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage beg leave to present the following resolution:

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund in favor of the following named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law:

Officers.		Mileage.	Amount.
President—A. J. Wallace	-----	\$94	\$89 40
Secretary—Walter N. Parrish	-----	96	9 60
Minute Clerk—R. H. Jackson	-----	936	93 60
Sergeant-at-Arms—Jos. L. Coughlin	-----	168	16 80

Dist.	Senators.	Address.	Mileage.	Amount.
30—	Avey, J. L.	Redlands	1036	\$103 60
24—	Beban, D. J.	San Francisco	180	18 00
36—	Bell, C. W.	Pasadena	914	91 40
7—	Bills, Chas. B.	Sacramento	2	20
3—	Birdsall, E. S.	Auburn	74	7 40
28—	Black, Marshall	Palo Alto	246	24 60
6—	Boynton, A. E.	Oroville	172	17 20
20—	Bryant, E. F.	San Francisco	180	18 00
25—	Burnett, Lester G.	San Francisco	180	18 00
10—	Caminetti, A.	Jackson	118	11 80
31—	Campbell, A. E.	San Luis Obispo	686	68 60
26—	Cartwright, Geo. W.	Fresno	338	33 80
22—	Cassidy, John J.	San Francisco	180	18 00
12—	Curtin, J. B.	Sonoma	250	25 00
1—	Cutten, Charles P.	Eureka	624	62 40
39—	Estudillo, Miguel	Riverside	1024	102 40
17—	Finn, Thos. F.	San Francisco	180	18 00
34—	Gates, Lee C.	Los Angeles	894	89 40
14—	Hans, George J.	Fruitvale	174	17 40
23—	Hare, John P.	San Francisco	180	18 00
38—	Hewitt, Leslie R.	Los Angeles	894	89 40
29—	Holohan, James B.	Watsonville	358	35 80
37—	Hurd, H. M.	Los Angeles	894	89 40
8—	Juilliard, L. W.	Santa Rosa	180	18 00
32—	Larkins, E. O.	Visalia	412	41 20
11—	Lewis, John T.	Stockton	96	9 60
9—	Martinelli, E. B.	San Rafael	210	21 00
18—	Regan, D. P.	San Francisco	180	18 00
33—	Roseberry, Louis H.	Santa Barbara	920	92 00
5—	Rush, Benj. F.	Suisun	82	8 20
4—	Sanford, J. B.	Ukiah	300	30 00
2—	Shanahan, T. W. H.	Redding	342	34 20
15—	Stetson, John W.	Oakland	168	16 80
13—	Strobridge, Ed K.	Hayward	196	19 60
35—	Thompson, Newton W.	Alhambra	906	90 60
16—	Tyrrrell, Edward J.	Oakland	168	16 80
27—	Walker, Geo. S.	East San Jose	256	25 60
19—	Welch, Richard J.	San Francisco	180	18 00
21—	Wolfe, Edward I.	San Francisco	180	18 00
40—	Wright, Leroy A.	San Diego	1146	114 60

And respectfully recommend that it be adopted.

BURNETT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Burnett, Campbell, Curtin, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, November 29, 1911.

MR. PRESIDENT: Your Committee on Contingent Expenses beg leave to present the following resolution:

Resolved, That the Controller of the State be and he hereby is directed to draw his warrant in favor of the Secretary of the Senate for the sum of \$100 for postage, expressage, and the use of the Press-mailing Clerk, the same payable out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same. And respectfully recommend that it be adopted.

BURNETT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

ON EXECUTIVE COMMUNICATIONS.

SENATE CHAMBER, SACRAMENTO, November 29, 1911.

MR. PRESIDENT: Your Committee on Executive Communications, to whom was referred the following message from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, November 28, 1911.

To the Senate of the State of California:

I have the honor to inform your honorable body that since the adjournment of the thirty-ninth session of the Legislature, I have made the following appointments, and request your concurrence therein and consent thereto:

May 3, 1911, Wm. E. McVay, of Los Angeles, a Trustee of the Reform School for Juvenile Offenders at Whittier, vice T. E. Newlin, term expired.

May 3, 1911, Benj. F. Pearson, of Los Angeles, a Trustee of the Reform School for Juvenile Offenders at Whittier, vice James Clarke, term expired.

April 25, 1911, Phillip E. Bowles, of Piedmont, a member of the Board of Regents of the State University, vice Thomas R. Bard, resigned.

April 25, 1911, Charles S. Wheeler, of San Francisco, a member of the Board of Regents of the State University, vice Jacob Reinstein, deceased.

July 12, 1911, James K. Moffitt, of Oakland, a member of the Board of Regents of the State University, vice Frank S. Johnson, deceased.

August 4, 1911, Frank M. Newbert, of Sacramento, a Fish and Game Commissioner, vice David Starr Jordan, resigned.

July 25, 1911, Thomas S. Williams, of San Francisco, a member of the Board of Harbor Commissioners of San Francisco, vice Marshal Hale, resigned.

April 8, 1911, A. E. Roberts, of San Diego, a member of the State Board of Harbor Commissioners for the bay of San Diego, vice Charles W. Oesting, term expired.

April 5, 1911, E. W. Burke, of Highlands, a member of the Board of Managers of the Southern California State Hospital, vice Francis M. Parker, term expired.

April 5, 1911, E. P. Clarke, of Riverside, a member of the Board of Managers of the Southern California State Hospital, vice self, term expired.

April 25, 1911, J. Arthur Elston, of Berkeley, a Trustee of the California Institute for the Deaf and the Blind, vice Thomas Rickard, deceased.

May 10, 1911, W. B. Nutter, of Stockton, a member of the Board of Managers of the Stockton State Hospital, vice J. C. Thompson, deceased.

July 20, 1911, Dennis M. Duffy, of San Francisco, a member of the State Board of Prison Directors, vice C. E. Clinch, resigned.

August 15, 1911, A. J. Pillsbury, of Berkeley, a member of the Industrial Accident Board, created by Chapter 399 of the Statutes of 1911, for four years.

August 15, 1911, Will J. French, of San Francisco, a member of the Industrial Accident Board, created by Chapter 399 of the Statutes of 1911, for three years.

August 15, 1911, W. I. Morrison, of Pasadena, a member of the Industrial Accident Board, created by Chapter 399 of the Statutes of 1911, for two years.

August 29, 1911, William R. Cushman, of San Diego, a member of the Board of Pilot Commissioners for the Harbor of San Diego, created by Chapter 102 of the Statutes of 1911.

August 29, 1911, E. S. Potter, of San Diego, a member of the Board of Pilot Commissioners for the harbor of San Diego.

September 11, 1911, Rabbi Martin A. Meyer, of San Francisco, a member of the State Board of Charities and Corrections, vice Rev. J. K. McLean, resigned.

November 25, 1911, Carrie T. Bryant, of Los Angeles, a member of the State Board of Charities and Corrections, vice E. C. Moore, resigned.

November 27, 1911, Fred Baker, of San Diego, a member of the Board of Trustees of the San Diego Normal School, vice John S. Ackerman, term expired.

November 27, 1911, C. N. Andrews, of San Diego, a member of the Board of Trustees of the San Diego Normal School, vice Philip Morse, term expired.

November 23, 1911, Friend Wm. Richardson, of Berkeley, Superintendent of State Printing, vice W. W. Shannon, resigned.

November 28, 1911, Carl Westerfeld, of San Francisco, a Fish and Game Commissioner, vice Fred G. Sanborn, resigned.

Respectfully submitted.

HIBAM W. JOHNSON, Governor of California.

Have had the same under consideration, and respectfully report the same back and recommend that the Senate advise and consent to the appointments therein made.

AVEY, Chairman.

MOTION.

Senator Avey moved that the senate take up the consideration of the report.

Motion carried.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Wm. E. McVay, of Los Angeles, a Trustee of the Reform School for Juvenile Offenders at Whittier, vice T. E. Newlin, term expired?"

The roll was called, with the following result:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Wm. E. McVay, of Los Angeles, to be a Trustee of the Reform School for Juvenile Offenders at Whittier, vice T. E. Newlin, term expired, had been duly confirmed.

SUSPENSION OF RULES.

Senator Burnett moved that No. 63 of the Standing Rules of the Senate be suspended for the forenoon.

Motion carried.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS—(RESUMED).

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Benj. J. Pearson, of Los Angeles, to be a Trustee of the Reform School for Juvenile Offenders at Whittier, vice James Clarke, term expired?"

The roll was called, with the following result:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Benj. J. Pearson, of Los Angeles, to be a Trustee of the Reform School for Juvenile Offenders at Whittier, vice James Clarke, term expired, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and

consent to the appointment of Phillip E. Bowles, of Piedmont, a member of the Board of Regents of the State University, vice Thomas R. Bard, resigned?"

The roll was called, with the following result:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Phillip E. Bowles, of Piedmont, a member of the Board of Regents of the State University, vice Thomas R. Bard, resigned, had been duly confirmed.

SENATOR STETSON IN THE CHAIR.

At ten o'clock and thirty-five minutes A. M., Senator Stetson of the Fifteenth District, in the chair.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS—(RESUMED).

The Acting President put the question, "Will the Senate advise and consent to the appointment of Charles S. Wheeler, of San Francisco, a member of the Board of Regents of the State University, vice Jacob Reinstein, deceased?"

The roll was called, with the following result:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

Whereupon the Acting President announced that the appointment of Charles S. Wheeler, of San Francisco, a member of the Board of Regents of the State University, vice Jacob Reinstein, deceased, had been duly confirmed.

The Acting President put the question, "Will the Senate advise and consent to the appointment of James K. Moffitt, of Oakland, a member of the Board of Regents of the State University, vice Frank S. Johnson, deceased?"

The roll was called, with the following result:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

Whereupon the Acting President announced that the appointment of James K. Moffit, of Oakland, a member of the Board of Regents of the State University, vice Frank S. Johnson, deceased, had been duly confirmed.

The Acting President put the question, "Will the Senate advise and consent to the appointment of Frank M. Newbert, of Sacramento, a Fish and Game Commissioner, vice David Starr Jordan, resigned?"

The roll was called, with the following result:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

Whereupon the Acting President announced that the appointment of Frank M. Newbert, of Sacramento, a Fish and Game Commissioner, vice David Starr Jordan, resigned, had been duly confirmed.

The Acting President put the question, "Will the Senate advise and consent to the appointment of Thomas S. Williams, of San Francisco, a member of the Board of Harbor Commissioners of San Francisco, vice Marshal Hale, resigned?"

The roll was called, with the following result:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

Whereupon the Acting President announced that the appointment of Thomas S. Williams, of San Francisco, a member of the Board of Harbor Commissioners of San Francisco, vice Marshal Hale, resigned, had been duly confirmed.

The Acting President put the question, "Will the Senate advise and consent to the appointment of A. E. Roberts, of San Diego, a member of the State Board of Harbor Commissioners for the bay of San Diego, vice Charles W. Oesting, term expired?"

The roll was called, with the following result:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Whereupon the Acting President announced that the appointment of A. E. Roberts, of San Diego, a member of the State Board of Harbor Commissioners for the bay of San Diego, vice Charles W. Oesting, term expired, had been duly confirmed.

The Acting President put the question, "Will the Senate advise and consent to the appointment of E. W. Burke, of Highlands, a member of the Board of Managers of the Southern California State Hospital, vice Francis M. Parker, term expired?"

The roll was called, with the following result:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Stetson, Strobridge, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Whereupon the Acting President announced that the appointment of E. W. Burke, of Highlands, a member of the Board of Managers of the Southern California State Hospital, vice Francis M. Parker, term expired, had been duly confirmed.

The Acting President put the question, "Will the Senate advise and consent to the appointment of E. P. Clarke, of Riverside, a member of the Board of Managers of the Southern California State Hospital, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Beban, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Whereupon the Acting President announced that the appointment of E. P. Clarke, of Riverside, a member of the Board of Managers of the Southern California State Hospital, vice self, term expired, had been duly confirmed.

The Acting President put the question, "Will the Senate advise and consent to the appointment of J. Arthur Elston, of Berkeley, a Trustee of the California Institute for the Deaf and the Blind, vice Thomas Rickard, deceased?"

The roll was called, with the following result:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Whereupon the Acting President announced that the appointment of J. Arthur Elston, of Berkeley, a Trustee of the California Institute for the Deaf and the Blind, vice Thomas Rickard, deceased, had been duly confirmed.

The Acting President put the question, "Will the Senate advise and consent to the appointment of W. B. Nutter, of Stockton, a member of the Board of Managers of the Stockton State Hospital, vice J. C. Thompson, deceased?"

The roll was called, with the following result:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Curtin, Estudillo, Finn, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Whereupon the Acting President announced that the appointment of W. B. Nutter, of Stockton, a member of the Board of Managers of the Stockton State Hospital, vice J. C. Thompson, deceased, had been duly confirmed.

The Acting President put the question, "Will the Senate advise and consent to the appointment of Dennis M. Duffy, of San Francisco, a member of the State Board of Prison Directors, vice C. E. Clinch, resigned?"

The roll was called, with the following result:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Curtin, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Whereupon the Acting President announced that the appointment of Dennis M. Duffy, of San Francisco, a member of the State Board of Prison Directors, vice C. E. Clinch, resigned, had been duly confirmed.

The Acting President put the question, "Will the Senate advise and consent to the appointment of A. J. Pillsbury, of Berkeley, a member of the Industrial Accident Board, created by Chapter 399 of the Statutes of 1911, for four years?"

The roll was called, with the following result:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Curtin, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

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Whereupon the Acting President announced that the appointment of A. J. Pillsbury, of Berkeley, a member of the Industrial Accident Board, created by Chapter 399 of the Statutes of 1911, for four years, had been duly confirmed.

The Acting President put the question, "Will the Senate advise and consent to the appointment of Will J. French, of San Francisco, a member of the Industrial Accident Board, created by Chapter 399 of the Statutes of 1911, for three years?"

The roll was called, with the following result:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Curtin, Estudillo, Finn, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Whereupon the Acting President announced that the appointment of Will J. French, of San Francisco, a member of the Industrial Accident Board, created by Chapter 399 of the Statutes of 1911, for three years, had been duly confirmed.

The Acting president put the question, "Will the Senate advise and consent to the appointment of W. I. Morrison, of Pasadena, a member of the Industrial Accident Board, created by Chapter 399 of the Statutes of 1911, for two years?"

The roll was called, with the following result:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Whereupon the Acting President announced that the appointment of W. I. Morrison, of Pasadena, a member of the Industrial Accident Board, created by Chapter 399 of the Statutes of 1911, for two years, had been duly confirmed.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At ten o'clock and fifty-five minutes A. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS—(RESUMED).

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of William R. Cushman, of San Diego, a member of the Board of Pilot Commissioners for the Harbor of San Diego, created by Chapter 102 of the Statutes of 1911?"

The roll was called, with the following result:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Whereupon the President pro tem. announced that the appointment of William R. Cushman, of San Diego, a member of the Board of Pilot Commissioners for the Harbor of San Diego, created by Chapter 102 of the Statutes of 1911, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of E. S. Potter, of San Diego, a member of the Board of Pilot Commissioners for the harbor of San Diego?"

The roll was called, with the following result:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Whereupon the President pro tem. announced that the appointment of E. S. Potter, of San Diego, a member of the Board of Pilot Commissioners for the harbor of San Diego, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Rabbi Martin A. Meyer, of San Francisco, a member of the State Board of Charities and Corrections, vice Rev. J. K. McLean, resigned?"

The roll was called, with the following result:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Rabbi A. Meyer, of San Francisco, a member of the State Board of Charities and Corrections, vice Rev. J. K. McLean, resigned, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Carrie T. Bryant, of Los Angeles, a member of the State Board of Charities and Corrections, vice E. C. Moore, resigned?"

The roll was called, with the following result:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Carrie T. Bryant, of Los Angeles, a member of the State Board of Charities and Corrections, vice E. C. Moore, resigned, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Fred Baker, of San Diego, a member of the Board of Trustees of the San Diego Normal School, vice John S. Ackerman, term expired?"

The roll was called, with the following result:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—31.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Fred Baker, of San Diego, a member of the Board of Trustees of the San Diego Normal School, vice John S. Ackerman, term expired, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of C. N. Andrews, of San Diego, a member of the Board of Trustees of the San Diego Normal School, vice Philip Morse, term expired?"

The roll was called, with the following result:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Curtin, Cullen, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Whereupon the President pro tem. announced that the appointment of C. N. Andrews, of San Diego, a member of the Board of Trustees of the San Diego Normal School, vice Philip Morse, term expired, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Friend Wm. Richardson, of Berkeley, Superintendent of State Printing, vice W. W. Shannon, resigned?"

The roll was called, with the following result:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Curtin, Estudillo, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—29.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Friend Wm. Richardson, of Berkeley, Superintendent of State Printing, vice W. W. Shannon, resigned, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Carl Westerfeld, of San Francisco, a Fish and Game Commissioner, vice Fred G. Sanborn, resigned?"

The roll was called, with the following result:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Curtin, Cullen, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Carl Westerfeld, of San Francisco, a Fish and Game Commissioner, vice Fred G. Sanborn, resigned, had been duly confirmed.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Bills: Senate Bill No. 14—An Act excluding certain lands from Reclamation District No. 535, and providing for the continuance of said district as to the remaining lands within the boundaries thereof, and providing that the lands so excluded shall be liable for their just proportion of the legal indebtedness of said district, when the same shall be ascertained by law.

Bill read first time, and referred to Committee on Drainage, Swamps and Overflowed Lands.

By Senator Bell: Senate Bill No. 15—An Act to amend section ten hundred ninety-six of the Political Code of the State of California.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 16—An Act to amend section eleven hundred and six of the Political Code of the State of California, relating to cancellation of names entered in the great register.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 17—An Act to amend section ten hundred and eighty-three of the Political Code of the State of California, relating to and defining qualified electors.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Avey: Senate Bill No. 18—An Act to amend section seventeen of the Political Code of the State of California, relating to definitions of certain terms used in said Code.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 19—An Act to amend section four thousand and twenty-three of the Political Code of the State of California, relating to eligibility to county, district and township offices.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Birdsall: Senate Bill No. 20—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by Congress to the State of California for the benefit of the public schools, and internal improvements, authorizing the conveyance of land by officers of the State for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions hereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hewitt: Senate Bill No. 21—An Act to legalize registrations of electors.

Bill read first time, and referred to Committee on Judiciary.

By Senator Roseberry: Senate Bill No. 22—An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor, and fixing a license fee.

Bill read first time, and referred to Committee on Corporations.

By Senator Fim: Senate Bill No. 23—An Act to amend Section 2185c of the Political Code of the State of California.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Walker: Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section six, article four thereof.

Constitutional amendment referred to Committee on Apportionment and Representation.

By Senator Cullen: Senate Bill No. 24—An Act to amend section one of an Act entitled "An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one

thousand nine hundred and ten which is provided in section fourteen of article thirteen of the Constitution of this State and as provided in an Act of the thirty-ninth session of the Legislature, entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation", approved April 26, 1911.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 25—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section twenty thereof.

Bill read first time, and referred to Committee on Banking.

LEAVE OF ABSENCE.

Senator Cassiday was, on motion of Senator Regan, granted leave of absence for this day.

RECESS.

At eleven o'clock and ten minutes A. M., on motion of Senator Bell, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Roseberry:

Resolved, That the following named persons be and they are hereby appointed to the respective positions and at the various salaries stated opposite their names, to wit:

O. F. Palmer-----	Porter at \$3.00 per day
C. J. Sykes-----	Porter at \$3.00 per day
Frank Storer-----	Bill Filer at \$4.00 per day

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Campbell, Curtin, Cutten, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

LEAVES OF ABSENCE.

Senator Finn was, on his own motion, granted leave of absence until December 1, 1911.

Senator Stetson was, on his own motion, granted leave of absence until December 1, 1911.

Senator Cutten was, on his own motion, granted leave of absence until December 1, 1911.

Senator Sanford was, on his own motion, granted leave of absence until December 4, 1911.

Senator Welch was, on his own motion, granted leave of absence until December 4, 1911.

Senator Cartwright was, on motion of Senator Curtin, granted leave of absence until December 4, 1911.

ADJOURNMENT.

At two o'clock and ten minutes P. M., on motion of Senator Bell, the President pro tem., declared the Senate adjourned until Friday, December 1, 1911, at two o'clock P. M.

IN SENATE.

SENATE CHAMBER.

Friday, December 1, 1911.

Pursuant to adjournment, the Senate met at two o'clock P. M.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Curtin, Cutten, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Strobbridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—31.

Quorum present.

PRAYER.

Prayer was offered by Rev. Clarence Woodman, C. S. P.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, November 29, 1911, the further reading was dispensed with, on motion of Senator Rush.

LEAVES OF ABSENCE.

Senator Beban was, on motion of Senator Wolfe, granted leave of absence until Monday, December 4, 1911.

Senator Cassidy was, on motion of Senator Cutten, granted leave of absence until Monday, December 4, 1911.

Senator Cartwright was, on motion of Senator Curtin, granted leave of absence until Monday, December 4, 1911.

Senator Martinelli was, on motion of Senator Rush, granted leave of absence until Monday, December 4, 1911.

Senator Shanahan was, on his own motion, granted leave of absence until December 4, 1911.

SUSPENSION OF RULES.

Senator Wolfe moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion carried.

RESOLUTIONS.

The following resolutions were introduced:

By Senator Roseberry:

Resolved, That the following named persons be and they are hereby dropped from the list of attachés of the Senate: D. Dieckhoff, Chief Bill Filer; Theodore Lafayette, Assistant Minute Clerk; Robert Bonnell, Assistant Minute Clerk.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cullen, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Strobridge, Tyrrell, Walker, Wolfe, and Wright—28.

NOES—None.

Also:

Resolved, That the following named persons be and they are hereby appointed to the respective positions, as provided by law, with the compensation set opposite their names, payable weekly, and the Controller is hereby directed to draw his warrants for the said respective names, and the Treasurer is directed to pay the same:

D. Dieckhoff, Assistant Sergeant-at-Arms	\$5 00 per day
Robert Bonnell, Assistant at Desk	5 00 per day
Theodore Lafayette, Assistant Sergeant-at-Arms	5 00 per day
George G. Taylor, Bill Filer	4 00 per day
Robina Alexander, Committee Clerk	4 00 per day
Josephine McCann, Stenographer	5 00 per day

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—29.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Curtin: Senate Joint Resolution No. 1—A resolution requesting the Congress of the United States to cede Yosemite Valley, and the watershed surrounding the same, to the State of California.

Joint resolution referred to Committee on Federal Relations.

Also: Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to Section 16½ of Article XI of the Constitution, relating to the deposits of moneys belonging to the State, or to any county or municipality within the State.

Constitutional amendment referred to Committee on Banking.

Also: Senate Bill No. 26—An Act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and for providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller.

Bill read first time, and referred to Committee on Banking.

By Senator Thompson: Senate Bill No. 27—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four, of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891, and also to repeal an Act entitled "An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act.

Bill read first time, and referred to Committee on Apportionment and Representation.

POINT OF ORDER.

Senator Hare raised the point of order that the reapportionment and redistricting of the State of California into senatorial and assembly districts at this time was not in order, on the ground that such redistricting could only be effected at the session of the Legislature next ensuing the completion of the census enumeration by the United States.

RULING ON POINT OF ORDER.

The President pro tem. of the Senate declared the point of order raised by Senator Hare not well taken.

PROTEST ON RULING ON POINT OF ORDER.

Senator Hare filed a written protest against the ruling of the President pro tem., asked for, and was granted, unanimous consent that the protest be printed in the Senate Journal.

PROTEST.

At this time, as a member of the Legislature, I wish to object to the reapportionment and redistricting of the State of California into senatorial and assembly districts upon the following grounds:

First, Section 6 of Article IV of the Constitution of the State of California provides for the reapportionment and redistricting of the State of California into senatorial and assembly districts. Under the provisions of said section and article it was the duty of this Legislature, at the last regular session, to have reapportioned and redistricted the State into senatorial and assembly districts, because of the fact that said provisions of the Constitution provide that the Legislature *shall* at the next session after the completion of the census enumeration by the United States reapportion and divide the State into senatorial and assembly districts. The census taken under the direction of Congress of the United States was completed prior to the convening of the last regular session, which adjourned *sine die*.

The term "shall," as used in said Section 6, Article IV, is mandatory, and is expressly made so by the provisions of Section 22, Article I of said Constitution, and by reason thereof the Legislature at this time has no power or authority in law, or otherwise, to reapportion and divide the State into senatorial and assembly districts; and as a member of the Senate of the State of California, I object to the Legislature or to the Senate of this State, at this time, by reason of the foregoing, dividing or reapportioning the State of California into senatorial and assembly districts, or adopting any measure, resolution or law providing for the same, and I request and demand that these objections be enrolled upon the minutes of the Senate of the State of California.

JOHN P. HARE.

SENATOR WOLFE IN THE CHAIR.

At two o'clock and ten minutes P. M., Senator Wolfe, of the Twenty-first District, in the chair.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED)

By Senator Walker: Senate Bill No. 28—An Act to amend an Act entitled "An Act to define and regulate the business of Banking," by amending sections twelve and twelve *a* thereof, relating to the corporate names of associations other than banks.

Bill read first time, and referred to Committee on Banking.

By Senator Roseberry: Senate Bill No. 29—An Act to amend Section 1 of an Act entitled "An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee," approved May 1, 1911, relating to reciprocal or interinsurance against loss or other damage to property.

Bill read first time, and referred to Committee on Corporations.

By Senator Boynton: Senate Bill No. 30—An Act approving the report of the California Débris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries, or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission, and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Hare: Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 31 of Article IV of the Constitution, relating to the election of members of the General Assembly, by providing for minority representation in the General Assembly.

Constitutional amendment referred to Committee on Elections and Election Laws.

ADJOURNMENT.

At two o'clock and fifteen minutes P. M., on motion of Senator Bell the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, December 2, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsell, Boynton, Bryant, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Gates, Hans, Hare, Hewitt, Holahan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—29.

Quorum present.

PRAYER.

Prayer was offered by Rev. Clarence Woodman, C. S. P.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, December 1, 1911, the further reading was dispensed with, on motion of Senator Rush.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, December 2, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 20—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by Congress to the State of California for the benefit of the public schools, and internal improvements, authorizing the conveyance of land by officers of the State for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions hereof—have had the same under consideration, and respectfully report the same back and recommend that the same do pass and be re-referred to the Committee on Finance.

CURTIN, Vice-Chairman.

Senate Bill No. 20 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, December 2, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 21—An Act to legalize registrations of electors—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

CURTIN, Vice-Chairman.

Senate Bill No. 21 ordered on file for second reading.

SECOND READING OF SENATE BILL—(OUT OF ORDER).

On motion of Senator Hewitt, the second reading of Senate bill was taken up out of order.

Senate Bill No. 21—An Act to legalize registration of electors.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 7, insert between the words "registering" and "are" the following: "and all registrations of married women, who have registered under the given names, or the initials of the given names of their respective husbands,".

Amendment adopted.

Also:

On page 1, Section 2, strike out all of Section 2, and insert in lieu thereof the following:

SEC. 2. This Act is hereby declared to be an urgency measure within the meaning of Section 1, Article IV of the Constitution, and is deemed necessary for the immediate preservation of the public peace and safety. The following is a statement of the facts constituting such necessity: That elections are about to be held in certain municipalities in this State prior to the first day of January, 1912, and defects and irregularities have occurred in the registration of a large number of electors in such municipalities, which defects owing to defects and irregularities in the appointment, qualification or authority of the deputy clerks or other officials or persons before whom such registrations were made, and to the registration of married women under the given names or initials of the given names of their respective husbands, and by reason whereof a question has arisen regarding the right of many persons so registered, to vote at said elections, who were, at the time of such registration, in all respects eligible to register as electors of this State, and who possessed all of the qualifications required therefor by the Constitution and laws of this State; that

there is now existing a feeling of public unrest and apprehension regarding such registration and such elections: that, unless the right of such persons to vote at such elections is legally established prior to the holding thereof, public disorder and breaches of the public peace at such elections are liable to ensue, and the public safety and the orderly conduct of such elections are liable to be endangered.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Wright: Senate Bill No. 31—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness and the distribution of their property," approved February 10th, 1903, and amended March 3d, 1909, by adding a new section thereto to be numbered Section 24.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Concurrent Resolution No. 1—Relating to an invitation to be extended to the committee appointed by the Legislature of the State of New York now visiting the State of California for the purpose of examining the site of the Panama-Pacific International Exposition, to visit the California Legislature, now convened in special session at the State Capitol in the city of Sacramento.

SUSPENSION OF RULES.

Senator Wolfe asked for, and was granted, unanimous consent that Senate Concurrent Resolution No. 1 be placed on file without reference to committee.

SENATE CONCURRENT RESOLUTION NO. 1.

WHEREAS, A committee has been appointed by the Legislature of the State of New York for the purpose of visiting the State of California to examine the site of the Panama-Pacific International Exposition, to select a location for a building to be erected by the State of New York in said Exposition, and to make its recommendation to the New York Legislature regarding an appropriation to be made by the said State; and

WHEREAS, Such committee is at the present time in the city of San Francisco for the purpose aforesaid; now, therefore, be it

Resolved by the Senate and Assembly, That an invitation be extended to the said committee of the New York Legislature to visit the California Legislature, now convened in special session at the State Capitol in the city of Sacramento, as guests of the State of California, at some convenient time during the stay of such committee in the State of California; and be it further

Resolved, That the said committee be requested to specify a time which will be satisfactory for such visit, so that the business of this session may be arranged to permit the reception of our visitors.

Concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 1 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Curtin, Estudillo, Gates, Hare, Hewitt, Holahan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Thompson, Walker, Wolfe, and Wright—24.

NOES—None.

Senate Concurrent Resolution No. 1 considered engrossed, and ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Wolfe, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 2, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 6, relative to extending an invitation to a committee from New York Legislature to visit the California Legislature.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARTIN, Assistant Clerk.

MOTION.

Senator Wolfe moved to place Assembly Concurrent Resolution No. 6 on file without reference to committee.

Motion carried.

ASSEMBLY CONCURRENT RESOLUTION NO. 6.

WHEREAS, A committee has been appointed by the Legislature of the State of New York for the purpose of visiting the State of California to examine the site of the Panama-Pacific International Exposition, to select a location for a building to be erected by the State of New York in said Exposition, and to make its recommendation to the New York Legislature regarding an appropriation to be made by the said State; and

WHEREAS, Such committee is at the present time in the city of San Francisco for the purpose aforesaid; now, therefore, be it

Resolved by the Senate and Assembly, That an invitation be extended to the said committee of the New York Legislature to visit the California Legislature, now convened in special session at the State Capitol in the city of Sacramento, as guests of the State of California at some convenient time during the stay of such committee in the State of California; and be it further

Resolved, That the said committee be requested to specify a time which will be satisfactory for such visit, so that the business of this session may be arranged to permit the reception of our visitors.

Concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 6 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Curtin, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Thompson, Walker, Wolfe, and Wright—23.

NOES—None.

Assembly Concurrent Resolution No. 6 ordered transmitted to the Assembly.

MOTION.

Senator Wolfe moved to recall Senate Concurrent Resolution No. 1 from Assembly.

Motion carried.

Senate Concurrent Resolution No. 1 ordered recalled.

WITHDRAWAL OF SENATE CONCURRENT RESOLUTION.

Senator Wolfe asked for, and was granted, unanimous consent to withdraw Senate Concurrent Resolution No. 1—Relative to extending an invitation to a committee from New York Legislature to visit the California Legislature.

Senate Concurrent Resolution No. 1 withdrawn, and ordered stricken from the file.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Wright:

WHEREAS, Owing to certain reported and alleged irregularities in the office of State Printer, W. W. Shannon tendered his resignation to the Governor of this State and the same has been accepted; and

WHEREAS, The irregularities with which the State Printer was charged consisted in such official acts as of necessity involve persons, associations, firms or corporations as necessary to such wrongdoing, and the resignation of W. W. Shannon, and the acceptance of the same prevented the publicity of the wrongful act or acts which resulted in said resignation and the suppression of the names of persons, associations, firms or corporations which were involved in and who profited by the alleged wrongful acts of the State Printer; and

WHEREAS, The public is entitled to know the facts relating to any malfeasance in public office in order that all culpable persons may receive such public censure, condemnation or prosecution as the facts warrant; and

WHEREAS, The Governor of the State of California is exclusively in possession of the facts; now, therefore, be it

Resolved, That the Senate of the State of California hereby respectfully requests the Governor of the State to submit to the Senate all data, including all correspondence and letters secured by him, relating to the alleged wrongful acts of the State Printer, together with the names of all persons, associations, firms or corporations implicated or connected with the same.

Resolution read, and referred to Committee on Executive Communications.

RECESS.

At ten o'clock and thirty-five minutes A. M., on motion of Senator Hewitt, the President pro tem. declared the Senate at recess until ten o'clock and fifty minutes A. M., of this day.

RECONVENED.

At ten o'clock and fifty minutes A. M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SUSPENSION OF RULES.

Senator Regan moved that No. 63 of the Standing Rules of the Senate be suspended for the forenoon.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER.)

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 2, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment has examined the following Senate bill: Senate Bill No. 21—An Act to legalize registrations of electors—and report that the same has been correctly engrossed.

AVEY, Acting Chairman.

Senate Bill No. 21 ordered on file for third reading.

CASE OF URGENCY.

The following resolution was offered:

By Senator Hewitt:

Resolved, That Senate Bill No. 21 presents a case of urgency, as that term is used in Section 15, of Article IV of the Constitution, and the provision of that

section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and passed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Hewitt moved a call of the Senate.

Motion carried.

Time, ten o'clock and fifty minutes A. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll. The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—28.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At ten o'clock and fifty-two minutes A. M., Senator Burnett was brought to the bar of the Senate, and, on motion of Senator Hewitt, was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and fifty-five minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Hewitt.

The roll of absentees was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—29.

NOES—None.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hewitt asked for, and was granted, unanimous consent to take up Senate Bill No. 21 for consideration, out of order.

Senate Bill No. 21—An Act to legalize registration of electors.

Bill read third time.

RECESS.

At eleven o'clock A. M., on motion of Senator Wolfe, the President pro tem. declared the Senate at recess until eleven o'clock and thirty minutes A. M., of this day.

RECONVENED.

At eleven o'clock and thirty minutes A. M., the Senate reconvened. Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

MOTION.

Senator Wolfe moved that in the consideration of bills containing "urgency measures, necessary for the immediate preservation of the public peace, health or safety," the Senate vote first upon the section of the bill containing the urgency measure, and second on the passage of the bill.

Motion carried.

The President pro tem. put the question, "Shall the Senate concur in the statement of fact contained in Section 2 of Senate Bill No. 21, making Senate Bill No. 21 an urgency measure?"

The roll was called, with the following result:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cutton, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—29.

NOES—None.

Whereupon the President pro tem. announced that the Senate concurred in the statement of fact contained in Section 2 of Senate Bill No. 21, making Senate Bill No. 21 an urgency measure.

Senate Bill No. 21—An Act to legalize registration of electors.

Read third time previously.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 21 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cutton, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER)

The following bills, etc., were introduced:

By Senator Burnett: Senate Bill No. 32—An Act to amend Section 1094 of the Political Code of the State of California, relating to the registration of voters.

Bill read first time, and referred to Committee on Elections and Election Laws.

SENATOR ESTUDILLO IN THE CHAIR.

At twelve o'clock and thirty minutes P. M., Senator Estudillo, of the Thirty-ninth District, in the chair.

INTRODUCTION AND FIRST READING OF BILLS (OUT OF ORDER) — (RESUMED)

By Senator Wolfe: Senate Joint Resolution No. 2—Relating to the action of the Russian Government in discriminating against the admission of certain classes of American citizens into that country.

SUSPENSION OF RULES.

Senator Wolfe asked for, and was granted, unanimous consent that Senate Joint Resolution No. 2 be placed on file without reference to committee, and be taken up for final passage.

SENATE JOINT RESOLUTION No. 2.

Relating to the action of the Russian Government in discriminating against the admission of certain classes of American citizens into that country.

WHEREAS, Under the treaty of 1832 between the Government of the United States and the Government of Russia it was agreed that all American citizens, without regard to race or religion, should be entitled to admission and protection in the territory of Russia; and

WHEREAS, The Russian Government has continually violated the terms of the treaty in refusing admission into its territory of American citizens; duly accredited as such by passports properly issued by the American Government, because of their religious belief; and

WHEREAS, The Government of the United States has lived up to its agreement with Russia under said treaty of 1832 by recognizing all Russian passports; and

WHEREAS, The time has arrived when the United States Government should insist in no uncertain terms upon the rights of all its citizens under said treaty; therefore, be it

Resolved, That our Senators be instructed to forthwith urge such action by the Senate of the United States as will bring about the abrogation of the treaty of 1832 between this Government and the Russian Government unless said Russian Government shall at once notify the proper authority in Washington of their immediate intention to respect the provisions of said treaty.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 2 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Stetson, Sirobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—30.

NOES—None.

Senate Joint Resolution No. 2 considered engrossed, and ordered transmitted to the Assembly.

LEAVES OF ABSENCE.

Senator Gates was, on his own motion, granted leave of absence until December 6, 1911.

Senator Curtin was, on his own motion, granted leave of absence until December 4, 1911.

Senator Lewis was, on motion of Senator Bryant, granted leave of absence until December 4, 1911.

ADJOURNMENT.

At twelve o'clock and thirty-five minutes P. M., on motion of Senator Bell, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Monday, December 4, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bells, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Cutton, Estudillo, Finn, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—37.

Quorum present.

PRAYER.

Prayer was offered by Rev. Clarence Woodman, C. S. P.

READING OF THE JOURNAL.

During the reading of the Journal of Saturday, December 2, 1911, the further reading was dispensed with, on motion of Senator Hans.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 2, 1911

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency Senate Bill No. 21—An Act to legalize registrations of electors.

L. B. MALLORY, Chief Clerk of the Assembly
By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 21 ordered to enrollment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, December 2, 1911

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 13—An Act relating to the advertising and publication of notices, publications and advertisements by state officers, boards, commissions, bureaus and departments, directing that all notices, advertisements and publications when prepared be delivered to the State Board of Control and vesting in the State Board of Control the exclusive charge, control, supervision, direction, designation, management and regulation of the giving, advertising, noticing and publication of all advertisements, publications and notices to be inserted in newspapers or other mediums, revoking all such authority heretofore given to any state officer, board, commission, bureau or department, and repealing all Acts and parts of Acts in conflict herewith—have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

STETSON, Chairman

Senate Bill No. 13 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Hare: Senate Bill No. 33—An Act to amend Section 4 of an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at

the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act" (approved March 20, 1903).

Bill read first time, and referred to Committee on Elections and Election Laws.

RECESS.

At ten o'clock and fifteen minutes A. M., on motion of Senator Thompson, the President pro tem. declared the Senate at recess until ten o'clock and thirty minutes A. M., of this day.

RECONVENED.

At ten o'clock and thirty minutes A. M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

PERMISSION TO USE SENATE CHAMBER GRANTED.

Senator Strobbridge asked for, and was granted, unanimous consent that the Committee on Education be granted the use of the Senate Chamber, on Tuesday, December 5, 1911, at seven o'clock and thirty minutes P. M., for a public hearing on Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books.

LEAVE OF ABSENCE.

Senator Caminetti was, on motion of Senator Campbell, granted leave of absence for this day.

RECESS.

At ten o'clock and thirty-five minutes A. M., on motion of Senator Thompson, the President pro tem. declared the Senate at recess until twelve o'clock M., of this day.

RECONVENED.

At twelve o'clock M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON DRAINAGE, SWAMP, AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, December 4, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp, and Overflowed Lands, to whom was referred Senate Bill No. 14—An Act excluding certain lands from Reclamation District No. 535, and providing for the continuance of said district as to the remaining lands within the boundaries thereof, and providing that the lands so excluded shall be liable for their just proportion of the legal indebtedness of said districts, when the same shall be ascertained by law—have had the same under consideration, and respectfully report the same back and recommend that same do pass.

MARTINELLI, Chairman.

Senate Bill No. 14 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 4, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp, and Overflowed Lands, to whom was referred Senate Bill No. 30—An Act approving the report of the California Debris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27th, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries, or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Debris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers, have had the same under consideration, and respectfully report the same back and recommend that same do pass and be re-referred to Committee on Finance.

MARTINELLI, Chairman.

Senate Bill No. 30 ordered re-referred to Committee on Finance.

RECESS.

At twelve o'clock and five minutes P. M., on motion of Senator Wolfe, the President pro tem. declared the Senate at recess until twelve o'clock and thirty minutes P. M., of this day.

RECONVENED.

At twelve o'clock and thirty minutes P. M., the Senate reconvened.
Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

RECESS.

At twelve o'clock and thirty minutes P. M., on motion of Senator Hewitt, the President pro tem. declared the Senate at recess until two o'clock P. M., of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.
Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 4, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly enrolled: Senate Bill No. 21—An act to legalize registrations of electors—and was presented to the Governor at two o'clock P. M.

CASSIDY, Chairman.

ADJOURNMENT.

At two o'clock and two minutes P. M., on motion of Senator Bell, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Tuesday, December 5, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Martinelli, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—35.

Quorum present.

PRAYER.

Prayer was offered by Rev. Clarence Woodman, C. S. P.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, December 4, 1911, the further reading was dispensed with, on motion of Senator Rush.

LEAVES OF ABSENCE.

Senator Regan was, on motion of Senator Cassidy, granted leave of absence for this day.

Senator Hewitt was, on motion of Senator Bell, granted leave of absence for this day.

Senator Lewis was, on motion of Senator Estudillo, granted leave of absence until Thursday, December 7, 1911.

APPROVAL OF JOURNALS.

The Journals of Monday, November 27, 1911, Tuesday, November 28, 1911, Wednesday, November 29, 1911, having been corrected, were read, and, on motion of Senator Black, were approved.

RESOLUTIONS.

The following resolutions were introduced:

By Senator Roseberry:

Resolved, That the following named persons be and they are hereby dropped from the list of attachés of the Senate, to take effect forthwith: Robina Alexander, Committee Clerk, \$4.00.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Cutton, Estudillo, Finn, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Martinelli, Roseberry, Rush, Sanford, Shanahan, Thompson, Tyrrell, Welch, Wolfe, and Wright—29.

NOES—None.

Also:

Resolved, That the following named persons be and they are hereby appointed to the respective positions, as provided by law, with the compensation set opposite their

names, payable weekly, and the Controller is hereby directed to draw his warrants for the said respective names, and the Treasurer is directed to pay the same:

Felix McMahon, Assistant Sergeant-at-Arms-----	\$5 00 per day
E. A. Jonker, Committee Clerk-----	4 00 per day
Robina Alexander, Assistant Engrossing and Enrolling Clerk--	5 00 per day

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Estudillo, Finn, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Martinelli, Roseberry, Rush, Sanford, Shanahan, Thompson, Tyrrell, Welch, Wolfe, and Wright—28.

NOES—None.

REPORTS OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, December 5, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 16—An Act to amend section eleven hundred and six of the Political Code of the State of California, relating to cancellation of names entered in the great register—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

ESTUDILLO, Chairman.

Senate Bill No. 16 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 5, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 10—An Act to amend Section 1142 of the Political Code of the State of California, relating to elections—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

ESTUDILLO, Chairman.

Senate Bill No. 10 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Sanford: Senate Joint Resolution No. 3—Relative to restricting Japanese and other Asiatic immigration.

Senate joint resolution referred to Committee on Federal Relations.

By Senator Wright: Senate Bill No. 34—An Act validating the formation and organization, and determining the boundaries of Imperial Irrigation District in the county of Imperial, State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Larkins: Senate Bill No. 35—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts.

Bill read first time, and referred to Committee on Apportionment and Representation.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, December 4, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations, and empowering said Board to expend in carrying out the requirements of this Act a sum not to exceed twelve thousand five hundred dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an Industrial Accident Board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911"—have had the same under consideration, and respectfully report the same back with one amendment and recommend that the same do pass as amended.

ROSEBERRY, Chairman.

Senate Bill No. 11 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 4, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 29—An Act to amend Section 1 of an Act entitled "An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee," approved May 1, 1911, relating to reciprocal or inter-insurance against loss or other damage to property—have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

ROSEBERRY, Chairman.

Senate Bill No. 29 ordered on file for second reading.

SENATOR CAMPBELL IN THE CHAIR.

At ten o'clock and twenty-five minutes A. M., Senator Campbell, of the Thirty-first District, in the chair.

CONSIDERATION OF DAILY FILE—SECOND READING OF SENATE BILLS.

Senate Bill No. 13—An Act relating to the advertising and publication of notices, publications and advertisements by state officers, boards, commissions, bureaus and departments, directing that all notices, advertisements and publications when prepared be delivered to the State Board of Control and vesting in the State Board of Control the exclusive charge, control, supervision, direction, designation, management and regulation of the giving, advertising, noticing and publication of all advertisements, publications and notices to be inserted in newspapers or other mediums, revoking all such authority heretofore given to any state officer, board, commission, bureau or department, and repealing all Acts and parts of Acts in conflict herewith.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 14—An Act excluding certain lands from Reclamation District No. 535, and providing for the continuance of said district as to the remaining lands within the boundaries thereof, and providing that the lands so excluded shall be liable for their just proportion of the legal indebtedness of said district, when the same shall be ascertained by law.

On motion of Senator Bills, Senate Bill No. 14, was temporarily passed on file, to retain its place.

MOTION.

Senator Boynton moved that the Secretary of the Senate be instructed to send a telegram to Lieutenant Governor Wallace expressing the sincere regret of the Senate on receiving the news of his illness, and the hope of the Senate for his speedy recovery and complete restoration to health.

Motion carried by unanimous vote of the Senate.

RECESS.

At ten o'clock and thirty minutes A. M., on motion of Senator Boynton, the Acting President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair

INTRODUCTION AND FIRST READING OF BILLS, ETC. — OUT OF ORDER.

The following bills, etc., were introduced:

By Senator Strobbridge: Senate Bill No. 36—An Act to amend Section 1837 of the Political Code, relating to the levying of district school taxes by boards of supervisors.

Bill read first time, and referred to Committee on Revenue and Taxation.

RECESS.

At two o'clock and five minutes P. M., on motion of Senator Strobbridge, the President pro tem. declared the Senate at recess until two o'clock and thirty minutes P. M., of this day.

RECONVENED.

At two o'clock and thirty minutes P. M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

ADJOURNMENT.

At two o'clock and thirty-five minutes P. M., on motion of Senator Bell, the President pro tem. declared the Senate adjourned until Wednesday, December 6, 1911, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER.

Wednesday, December 6, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names.

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roschberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer was offered by Rev. Clarence Woodman, C. S. P.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, December 5, 1911, the further reading was dispensed with, on motion of Senator Rush.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 6, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 2—Relating to the action of the Russian Government in discriminating against the admission of certain classes of American citizens into that country.

L. B. MALLORY, Chief Clerk of the Assembly.

By A. H. HARLIN, Assistant Clerk.

Senate Joint Resolution No. 2 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON BANKING.

SENATE CHAMBER, SACRAMENTO, December 6, 1911.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Bill No. 28—An Act to amend an Act entitled "An Act to define and regulate the business of banking" by amending sections twelve and twelve *a* thereof, relating to the corporate names of associations other than banks—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

TYRRELL, Chairman.

Senate Bill No. 28 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 6, 1911.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Bill No. 26—An Act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller.

Also: Senate Bill No. 25—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 20 thereof.

Also: Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to Section 16 $\frac{1}{2}$ of article eleven, of the Constitution, relating to the deposits of moneys belonging to the State, or to any county or municipality within the State.

Have had the same under consideration, and respectfully report the same back and recommend that the bills do pass, and the amendment be adopted.

TYRRELL, Chairman.

Senate Bills Nos. 26 and 25 ordered on file for second reading.

Senate Constitutional Amendment No. 3 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, December 6, 1911.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Bill No. 1—An Act to amend sections one, three, four, nine, ten and eleven of an Act known as "The Building and Loan Commission Act," Chapter 354, Laws of 1911, approved April 5, 1911, relating to the powers and duties of the Building and Loan Commissioner—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

TYRRELL, Chairman.

Senate Bill No. 1 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, December 5, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 2—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this Act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this Act including a state superintendent of weights and measures and his deputy, and sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this Act into effect—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended and be re-referred to the Committee on Finance.

STETSON, Chairman.

Senate Bill No. 2 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 6, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following: Senate Bill No. 13—An Act relating to the advertising and publication of notices, publications and advertisements by state officers, boards, commissions, bureaus and departments, directing that all notices, advertisements and publications when prepared be delivered to the State Board of Control and vesting in the State Board of Control the exclusive charge, control, supervision, direction, designation, management and regulation of the giving, advertising, notifying and publication of all advertisements, publications and notices to be inserted in newspapers or other mediums, revoking all such authority heretofore given to any state officer, board, commission, bureau or department, and repealing all Acts and parts of Acts in conflict herewith—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 13 ordered on file for third reading.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, December 6, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 23—An Act to amend Section 2185c of the Political Code of the State of California—have had the same under consideration, and respectfully report the same back and recommend that same do pass.

RUSH, Chairman.

Senate Bill No. 23 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Birdsall: Senate Bill No. 37—An Act to amend Section 3494 of the Political Code of the State of California, relating to the sale of school lands.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Joint Resolution No. 4—Relative to the election of the President and Vice-President of the United States by a direct popular and nation-wide vote.

Joint resolution referred to Committee on Federal Relations.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Burnett:

Resolved, That the Superintendent of the Capitol Building and Grounds be, and he is hereby, authorized to supply the California Highway Commission, for its temporary use, such furniture from the Senate committee rooms of the State Capitol Building, not now in use, as said Commission requires and that said Superintendent of the Capitol Building and Grounds take receipt of said Commission for such furniture loaned, and hold said Commission responsible for the return thereof.

Resolution read and adopted.

SENATOR STETSON IN THE CHAIR.

At eleven o'clock and twenty minutes A. M., Senator Stetson, of the Fifteenth District, in the chair.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS

Senate Bill No. 13—An Act relating to the advertisement and publication of notices, publications and advertisements by state officers, boards, commissions, bureaus and departments, directing that all notices, advertisements, and publications when prepared be delivered to the State Board of Control and vesting in the State Board of Control the exclusive charge, control, supervision, direction, designation, management and regulation of the giving, advertising, noticing and publication of all advertisements, publications and notices to be inserted in newspapers or other mediums, revoking all such authority heretofore given to any state officer, board, commission, bureau or department, and repealing all Acts and parts of Acts in conflict herewith.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wolfe moved to refer to Senator Estudillo, as a special committee of one, to amend as follows:

Add after the word "notices," on line 28, page 2, of the bill, the following: "*provided*, that all advertising involving an expenditure of over one hundred dollars shall before the same is awarded to any newspaper be first submitted for competitive bids under such rules as said State Board of Control may adopt."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 6, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 13, with instructions to amend, respectfully reports the same back, amended as per instructions.

ESTUDILLO, Committee.

ROLL CALL DEMANDED.

The question being on the adoption of the report of the special committee of one.

The roll call was demanded by Senators Wolfe, Boynton, and Thompson.

The roll was called, and the report of the special committee of one refused adoption by the following vote:

AYES—Senators Cassidy, Curtin, Estudillo, Hare, Holohan, Martinelli, Tyrrell, Wolfe, and Wright—9.

NOES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cutton, Finn, Gates, Hans, Hewitt, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, and Welch—28.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 13 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cassidy, Cutton, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Welch—33.

NOES—Senators Curtin, Hare, Wolfe, and Wright—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF SENATE BILLS.

Senate Bill No. 16—An Act to amend section eleven hundred and six of the Political Code of the State of California, relating to cancellation of names entered in the great register.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 10—An Act to amend Section 1142 of the Political Code of the State of California, relating to elections.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed twelve thousand five hundred dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911."

During second reading of the bill, the following amendment was submitted by committee:

On page 3, Section 7, line 3, strike out the words "twelve thousand five hundred", and insert in lieu thereof the following: "eight thousand".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 29—An Act to amend Section 1 of an Act entitled "An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee," approved May 1, 1911, relating to reciprocal or interinsurance against loss or other damage to property.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 14—An Act excluding certain lands from Reclamation District No. 535, and providing for the continuance of said district as to the remaining lands within the boundaries thereof, and providing that the lands so excluded shall be liable for their just proportion of the legal indebtedness of said district, when the same shall be ascertained by law.

During second reading of the bill, the following amendment was offered by Senator Bills:

Add a new section to follow Section 1, and to be known as Section 2, and to read as follows:

Sec. 2. This Act is hereby declared to be an urgency measure within the meaning of Section 1, Article IV of the Constitution, and is deemed necessary for the immediate preservation of the public peace, health and safety. The following is a statement of the fact constituting such necessity: That Reclamation District No. 535 is a reclamation district organized and existing under the laws of the State of California; that an election was held in accordance with law on the twelfth day of September, 1911, for the purpose of determining whether certain adjacent territory should be annexed to the city of Sacramento embracing among other land to be annexed a portion of the land included within the boundaries of said Reclamation District No. 535 and subject to the jurisdiction thereof; that at said election it was duly voted to include such portion of said land within the city of Sacramento, and that by proceedings duly had after due and legal notice given such portion of said Reclamation District No. 535 is now embraced within the boundaries of the city of Sacramento, as they now exist and as such is subject to the jurisdiction of the city of Sacramento as to the levying of assessment and collection of taxes, building of levees, promotion of drainage and protection from overflow. That to avoid a conflict of jurisdiction as to the right to give, control and regulate the same and to impose taxes and assessments thereon, and to establish a system of sewers and drainage therein, it is essential that all that portion of Reclamation District No. 535 embracing lands within the limits of the city of Sacramento as they now exist and being such land as became a part of the city of Sacramento by virtue of the election aforesaid should be excluded from said Reclamation District No. 535 without prejudice to the right of the said reclamation district to exist as to the remaining lands within the boundaries thereof.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SUSPENSION OF RULES.

Senator Juilliard moved that No. 63 of the Standing Rules of the Senate be suspended for the forenoon.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, December 6, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 33—An Act to amend Section 4 of an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for

ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act." (approved March 20, 1903.)—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

ESTUDILLO, Chairman.

Senate Bill No. 33 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bill was introduced:

By Senator Cutton: Senate Bill No. 38—An Act to authorize the Superintendent of Capitol Building and Grounds to employ extra help for the extra session of the thirty-ninth Legislature, for the month of December, 1911, and appropriating money therefor.

Bill read first time, and referred to Committee on Finance.

ADJOURNMENT.

At twelve o'clock and five minutes p. m., on motion of Senator Bell, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, December 7, 1911

Pursuant to adjournment, the Senate met at ten o'clock a. m.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—36

Quorum present.

PRAYER.

Prayer was offered by Rev. Clarence Woodman, C. S. P.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, December 6, 1911, the further reading was dispensed with, on motion of Senator Rush.

LEAVES OF ABSENCE.

Senator Tyrrell was, on motion of Senator Regan, granted leave of absence for this day.

Senator Lewis was, on motion of Senator Wolfe, granted leave of absence until Monday, December 10, 1911.

COMMUNICATION.

A communication from the Madera County Chamber of Commerce, relative to the conservation of the waters of the San Joaquin River was presented.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, December 6, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 1—A resolution requesting the Congress of the United States to cede Yosemite Valley, and the watershed surrounding the same, to the State of California—have had the same under consideration, and respectfully report the same back and recommend that it be adopted as amended.

WRIGHT, Chairman.

Senate Joint Resolution No. 1 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Estudillo: Senate Joint Resolution No. 5—Relative to the improvement of Yosemite National Park, and requesting the appropriation of \$1,000,000 therefor.

Senate joint resolution referred to Committee on Federal Relations.

By Senator Hurd: Senate Bill No. 39—An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for conveyance of such water to the place of use."

Bill read first time, and referred to Committee on Irrigation.

By Senator Curtin: Senate Joint Resolution No. 6—Relative to requesting Congress to cause proper survey to be made, and the construction of dams and canals to conserve the waters of the San Joaquin River, near Pollasky in Fresno County, State of California for the purposes of irrigation.

Senate joint resolution referred to Committee on Federal Relations.

By Senator Hewitt: Senate Bill No. 40—An Act to provide for the incorporation and organization and management of municipal water districts and to provide for the acquisition or construction thereby of waterworks and for the acquisition of all property necessary therefor and also to provide for the distribution and sale of water by said districts.

Bill read first time, and referred to Committee on Irrigation.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER.)

The following reports of standing committees were received and read.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, December 7, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 4—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149e and 4149f, providing for the appointment of a registrar of voters, prescribing his duties and fixing his term of office—have had the same under consideration, and respectfully report the same back with amendments and recommend that it do pass as amended.

HEWITT, Chairman.

Senate Bill No. 4 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, December 7, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 24—An Act to amend section one of an Act entitled "An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten which is provided in section fourteen of article thirteen of the Constitution of this State and as provided in an Act of the thirty-ninth session of the Legislature entitled 'An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, and relating to revenue and taxation,'" approved April 26, 1911—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

CUTTEN, Chairman.

Senate Bill No. 24 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 7, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 30—An Act approving the report of the California Debris Commission, transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries, or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examination for the purpose of perfecting the plans contained in said report of the California Debris Commission and to make report thereof making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

CUTTEN, Chairman.

Senate Bill No. 30 ordered on file for second reading.

CONSIDERATION OF DAILY FILE—SECOND READING OF SENATE BILLS.

Senate Bill No. 28—An Act to amend an Act entitled "An Act to define and regulate the business of banking," by amending sections twelve and twelve *a* thereof, relating to the corporate names of associations other than banks.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, line 3 of the title, after the word "banking," insert the following: "approved March 1, 1909."

Amendment adopted.

Also:

On page 2, after the word "misdemeanor," in line 28, add a new section to read as follows:

SEC. 2. Section 12*a* of an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, is amended to read as follows:

Section 12*a*. Every person, firm, company, copartnership or corporation advertising that he or it is transacting the business of a bank, savings bank, or trust company, or making use of any office sign at the place where such business is transacted, having thereon any artificial or corporate name, or, in other words, indicating that such place or office is the place or office of a bank, or that deposits are received there or payments made on check, or that interest is paid on deposits, or that certificates of deposit, either with or without interest, are being issued, or that any other form of banking business is transacted, and every person, firm, company, copartnership or corporation making use of or circulating any letter heads, bill heads, blank notes, blank receipts, certificates or circulars, or any written or printed, or partly written and partly printed, paper, whatever, having thereon any artificial or corporate name, or advertising that such business is the business of a bank, savings bank or trust company, must have the proper capital stock paid in and set aside for the purpose of transacting such business, as provided for in this Act. And every person, firm, company, copartnership or corporation doing any of the things or transacting

any of the business defined in this section, must transact such business according to the provisions of the bank act; *provided*, that this section shall not apply to the corporate names of any building and loan association now or heretofore doing business in this State; and it is further expressly provided that such associations having in their corporate names words not clearly indicating the nature of their business shall, on all signs, letter heads and advertising matter, state: "This is a building and loan association" or words to that effect. Nothing in this section contained shall prohibit building and loan associations from receiving deposits of money and executing certificates therefor in accordance with the laws governing such associations, but all such certificates other than certificates of stock must designate on the face thereof the terms under which such certificates are issued. Every person, firm, company, copartnership or officer of any corporation violating the provisions of this section, shall be guilty of a misdemeanor.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 26 -An Act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and for providing a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 25—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section twenty thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1—An Act to amend sections one, three, four, nine, ten and eleven of an Act known as "The Building and Loan Commission Act," Chapter 354, Laws of 1911, approved April 5, 1911, relating to the powers and duties of the Building and Loan Commissioner.

During second reading of the bill, the following amendments were submitted by committee:

On page 4, Section 4, line 54, strike out the word "such" and insert in lieu thereof the word "each."

Amendment adopted.

Also:

On page 4, Section 4, line 72, insert the word "the" after the word "all."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 2—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide pen-

alties for the violation of the provisions of this Act; for the admission in evidence of copies of the State's standards of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this Act including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this Act into effect.

During second reading of the bill, the following amendments were submitted by committee:

Amend by striking out after the enacting clause, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and insert in lieu thereof the following:

"SECTION 1. There is hereby created the office of State Superintendent of Weights and Measures. Within thirty days after this Act becomes effective, the Governor shall appoint a suitable person as State Superintendent of Weights and Measures. Wherever in this Act the term superintendent or state superintendent is used, it shall be taken as referring to and meaning State Superintendent of Weights and Measures.

SEC. 2. The term of office of State Superintendent of Weights and Measures shall be four years, or until his successor shall have been appointed and qualified, but he shall always be subject to removal at the pleasure of the Governor. The salary of State Superintendent of Weights and Measures shall be thirty-six hundred dollars per annum, payable in the same manner as other state officers are paid. Before entering upon his duties he shall execute a bond to the State in the sum of five thousand dollars conditional upon the faithful performance of his duties.

SEC. 3. The state superintendent may appoint a deputy who shall have the same powers as the state superintendent. Such deputy shall receive a salary of eighteen hundred dollars per annum, payable in the same manner as other state officers are paid. He shall be at all times subject to removal at the pleasure of the state superintendent. The state superintendent may also appoint additional deputies from time to time to serve as sealers of weights and measures at the request of counties, as provided in Section 16 of this Act. Such deputies when actually employed shall be paid at the rate of one hundred and fifty (\$150.00) dollars per month by the county engaging their services and not by the State. They also shall receive their actual traveling expenses from such county.

SEC. 4. The state superintendent and his deputy shall each be allowed their actual traveling expenses, to be approved by the State Board of Control in the same manner as other claims against the State. The state superintendent shall also be allowed necessary office expenses to be approved by the State Board of Control in the same manner as other claims against the State.

SEC. 5. The standards of weights and measures received from the United States under a resolution of Congress approved June 14, 1836, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or renewal thereof, and such as shall be procured by the State in conformity therewith and certified by the National Bureau of Standards, shall be the state standards by which all state, county and municipal standards of weights and measures shall be tried, proved and sealed.

SEC. 6. The standards referred to in the preceding section shall be kept by the state superintendent in a safe and suitable place in his office from which they shall not be removed except for repairs, certification or use. He shall maintain such standards in good order and shall submit them at least once in ten years to the National Bureau of Standards for certification. Upon demand the Secretary of State shall deliver to the state superintendent all standards now under the control and in the possession of the Secretary of State in his capacity as ex officio State Sealer of Weights and Measures. The state superintendent shall thereupon submit such standards received from the Secretary of State to the National Bureau of Standards for certification, and he shall replace such standards as are incorrect and purchase such additional standards as shall be necessary to complete and make up a complete standard of weights and measures, as required by this Act.

SEC. 7. The standards of weights and measures referred to in the foregoing sections shall consist of one standard yard measure and one set of standard weights, comprising one Troy pound, and nine avoirdupois weights of one, two, three, four, five, ten, twenty, twenty-five and fifty pounds respectively; one set of standard Troy ounce weights, divided decimally from ten ounces to the one ten-thousandth of an ounce; one set of standard liquid capacity measures, consisting of one wine gallon of two hundred and thirty-one cubic inches, one half gallon, one quart, one pint and one half pint measure; and one standard half bushel, containing one thousand and seventy-five cubic inches and twenty one-hundredths of a cubic inch; and such new weights, measures, balances and apparatus as may be received from the United States as standard weights, measures, balances and apparatus in addition thereto or renewal thereof as well as such weights, measures, balances and apparatus as may be added by the state superintendent and verified by the National Bureau of Standards.

SEC. 8. The state superintendent shall, at the request of the legislative body of any county, city, town, or city and county, furnish to said county, city, town or city and county, copies of the standard weights and measures of the State; such copies shall be furnished at the expense of the county, city, town or city and county requesting the same. He shall upon request of the legislative body of any county, city, town, city and county or upon the request of a sealer of weights and measures of any such county, city, town or city and county, appointed pursuant to the provisions of this Act, test and accurately approve copies of the State's standards of weights and measures procured by any such county, city, town, or city and county, to be used by a sealer of weights and measures in the performance and discharge of his duties. Copies furnished under the provisions of this section or copies tested and approved by the state superintendent under the provisions of this section shall be true and correct; shall be sealed and certified to by the state superintendent and stamped with the letter "C." Such copies need not be of the same material or construction as the standards of the State and such copies may be furnished in any suitable materials or construction that the county, city, town, or city and county requiring the same may specify, subject to the approval of the state superintendent.

SEC. 9. The state superintendent shall inspect and correct the standards used by each county, city, town and city and county of the State, and at least once in two years compare the same with those in his possession and keep a record of the same, and where not otherwise provided by law he shall have general supervision of the weights and measures and weighing and measuring devices in the State and in use in the State. Sealers of weights and measures appointed under the provisions of this Act shall, upon the request of the state superintendent, deliver to the state superintendent at his office the copies of the State's standards of weights and measures in their possession, and used in the discharge and performance of their duties, for verification and certification by the state superintendent. The actual expense of such comparison and verification shall be borne by the county, city, town or city and county whose weights and measures are compared and verified. In addition to the standards heretofore referred to and required to be kept by the State, the State shall also have a complete set of copies of said original standards of weights and measures adopted by this Act, which shall be used for adjusting county and municipal standards by the state superintendent and his deputy in the performance of their duties, and the original standards shall not be used except for the adjustment of this set of copies and for certification purposes. Additional complete sets of copies of such original standards of weights and measures may be purchased by the sealer when the same are necessary for use by any deputy state superintendent employed by counties under Section 16 of this Act. The State, however, shall be reimbursed for the purchase of such copies by the county in which the same are used in the manner hereinafter provided.

SEC. 10. The state superintendent or his deputy shall, at least once annually and as often as requested by the State Board of Control or the executive officers of the institutions herein referred to, test the scales, weights and measures used in checking the receipt and disbursement of supplies in every institution conducted by the State, and he shall report in writing his findings to the executive officer of the institution concerned and to the State Board of Control.

SEC. 11. The state superintendent or his deputy shall at least once in two years visit the various cities and counties of the State and inspect the work of the local sealers of weights and measures, and in the performance of said duties he or his deputy may inspect the weights, measures, balances or any other weighing or measuring devices of any person, firm or corporation. The state superintendent and his deputy shall have all the powers of sealers of weights and measures provided for in this Act.

SEC. 12. The state superintendent, if he discovers that any sealer of weights and measures appointed under the provisions of this Act has refused or neglected to perform the duties of his office, or is guilty of any malfeasance in office, shall report such failure, neglect or malfeasance to the body, officer or board having the power to remove such sealer of weights and measures.

SEC. 13. It shall be the duty of the state superintendent to investigate conditions in the various counties, cities and towns of the State in respect to weights and measures, and to the sale of goods, wares and merchandise, commodities and foodstuffs in containers. The state superintendent shall annually report to the Governor, and shall prior to each regular session report to the Legislature the work of his office, and shall make such recommendations as he shall deem proper and necessary.

SEC. 14. The state superintendent shall issue instructions and make recommendations to the county and municipal sealers of weights and measures, appointed under the provisions of this Act, for their guidance in the performance of their duties."

Amendment adopted.

Also:

Strike out Sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and insert in lieu thereof the following:

"SEC. 16. The office of Sealer of Weights and Measures is hereby created. When-

ever in this Act the term "sealer" is used the same shall be taken to mean and refer to sealer of weights and measures. Within one hundred and twenty days after the approval of this Act by the Governor, it shall be the duty of the board of supervisors of each of the counties of the State, except as hereinafter provided, to appoint a sealer of weights and measures for their respective counties, who shall receive as compensation the sum of five dollars per day for each day actually employed in the service of the county, to be audited and paid as other claims against the county. He shall be allowed his traveling expenses actually and necessarily incurred in the performance of his duties. The term of office of such sealer of weights and measures shall be four years, but he shall be subject to removal at the will of such board. A sealer appointed under this Act may, with the consent of the board of supervisors of the county appointing him, appoint a deputy or deputies when necessary or expedient to carry out the provisions of this Act. The compensation of such deputies shall be the same as the county sealer and paid in the same manner. Such deputies shall always be subject to removal by the sealer of weights and measures. In case the legislative body of any county shall not appoint a sealer for such county, such body must apply in writing to the state superintendent for the assignment of a deputy superintendent, who shall perform all the duties of sealer in such county, as provided in this Act to be performed by county sealers; and it shall be the duty of such superintendent on such application, as soon as practicable, to make such assignment and to provide copies of the original standards of weights and measures for use by said deputy in such county. The actual cost of such services shall be paid by the county in the same manner in which other claims against the county are paid. The amount to be paid shall be at the rate of one hundred and fifty (\$150.00) dollars per month for the time such deputy superintendent is employed in such county in addition to the actual traveling expenses of such deputy made necessary by such appointment. The county shall also stand its proportionate share of the actual cost of the set of copies to be used in such county by such deputy, at the rate of one twelfth of the cost thereof for every month such copies are employed therein during the first year of their use, and in that event such county may at any time pay the balance of the cost of such copies and become the owner thereof, or the county may pay rental to the State for the use of such copies at the rate of ten per cent per annum of the cost price thereof.

SEC. 17. The legislative body of any city or town may appoint a sealer of weights and measures, fix his compensation and provide for the appointment by the sealer of such number of deputies, and fix their compensation, as the said legislative bodies may deem necessary and expedient. Such sealer and deputies shall each receive as compensation the sum of five dollars per day for each day actually employed in the service of such city or town. The term of office of sealer of weights and measures appointed under the provisions of this section shall be four years. He shall be subject to removal by the power appointing him. Deputies appointed under the provisions of this section shall be subject to removal by the sealer.

SEC. 18. The jurisdiction of a sealer appointed or a deputy state sealer employed for a county shall extend over the entire territorial limits of the county appointing such sealer, except within the territorial limits of those cities and towns within which sealers have been appointed under the provisions of this Act. The jurisdiction of the sealer of weights and measures appointed by the legislative body of any city or town under the provisions of this Act shall extend over the entire territorial limits of such city or town.

SEC. 19. This Act shall not affect the appointment of any sealer of weights and measures heretofore appointed for any city, town or city and county under any law, but such sealers shall perform the duties of the office under the provisions of this Act, and shall possess the same powers and duties as sealers appointed under the provisions of this Act.

SEC. 20. Except as herein otherwise provided the board of supervisors or legislative body of each county, city, town, and city and county of the State shall, upon the appointment of a sealer under the provisions of this Act, provide and procure for their respective county, city, town, and city and county, copies of the State's standards of weights and measures at the expense of such county, city, town, or city and county; such copies shall be verified and certified to by the State Superintendent of Weights and Measures as in section eight of this Act provided.

SEC. 21. Sealers appointed under the provisions of this Act shall, at least every two years, cause to be proved and tested by the state superintendent copies of the State's standards in their possession. If, upon such inspection, or any inspection by the state superintendent, the copies of the weights and measures tested shall be found to be incorrect, the same shall be adjusted, if the same are susceptible of being adjusted, but if not, new copies shall be procured and certified to in the same manner as original copies.

SEC. 22. In any prosecution for a violation of any of the provisions of this Act any copy of the standards of weights and measures of the State furnished, procured and certified to under the provisions of this Act, shall be admitted in evidence upon the trial, and such copy shall be deemed prima facie true and correct.

SEC. 23. It shall be the duty of any sealer of weights and measures to carefully preserve all copies of the standards of weights and measures in his possession, and to

keep the same in a safe and suitable place when not actually in use; and it shall be his duty annually, and at such other times as the state superintendent may require, to file with such superintendent a written report of the work done by him, of the weights, measures, weighing and measuring instruments inspected or tested by him and of the result of such inspection, of all prosecutions instituted by him for violations of the provisions of this Act and of all other matters and things pertaining to his duties or which may be required by the state superintendent.

Sec. 24. Every person using or keeping for use or having or offering for sale weights, scales, beams, measures of every kind, instruments or mechanical devices for weighing or measurement, and tools, appliances and accessories connected with any or all such instruments or measures within a county, city, town, or city and county in which there has been appointed a sealer under the provisions of this Act, shall within three months after the appointment of such sealer, cause all such weights, scales, beams, measures of every kind, instruments or mechanical device for weighing or measurement, and tools, appliances and accessories connected with any or all such instruments or measures to be sealed and marked by the sealer of weights and measures of the county, city, town, or city and county in which the same are used, kept for use or kept or offered for sale.

Sec. 25. No weight, scale, beam, measure of any kind, instrument or mechanical device for weighing or measurement, nor tools, appliances or accessories connected with any or all of such instruments or measures shall be used, kept for use, sold, offered for sale or kept for sale in any county, city, town, or city and county, in which there is a sealer appointed under the provisions of this Act and in which for three months there has been continuously in office in such county, city, town, or city and county a sealer, unless such weight, scale, beam, measure of any kind, instrument or mechanical device for weighing or measurement, and tools, appliances and accessories connected with any or all such instruments or measures shall have been sealed and tested as in this Act provided.

Sec. 26. When any weight, scale, beam, measure of any kind, instrument or mechanical device for weighing or measurement, and tools, appliances and accessories connected with any or all such instruments or measurements have been tested and found correct by any sealer appointed under the provisions of this Act, the same may be used, kept for use, offered for sale, sold, or kept for sale within any county, city, town or city and county of this State without any further test. Any weight, scale, beam, measure of any kind, instrument or mechanical device for weighing or measurement, and tools, appliances and accessories connected with any or all such instruments or measures, which have been tested and sealed and certified to as correct by the National Bureau of Standards, may be kept for sale, sold or offered for sale without being first tested and sealed by a sealer as in this Act provided. But all such weights, scales, beams, measures of any kind, instruments or mechanical devices for weighing or measurement, and tools, appliances and accessories connected with any or all such instruments or measures shall always be subject to inspection as herein provided, notwithstanding that the same have been tested and sealed either by a sealer appointed under the provisions of this Act or by the National Bureau of Standards.

Sec. 27. Any scale, beam or mechanical device for weighing or measuring, which, after being sold and before being used for weighing or measuring, it is necessary to assemble or set up, may be sold, kept for sale, or offered for sale without first being tested and sealed as in this Act provided; but such scale, beam or mechanical device for weighing or measuring, before being used for weighing or measuring must be tested and sealed as in this Act provided.

Sec. 28. Upon a written request of any resident of a county, city, town or city and county, in which there has been appointed a sealer under the provisions of this Act there appearing reasonable ground therefor, the sealer for such county, city, town or city and county shall test or cause to be tested, as soon thereafter as is practicable, the weights, scales, beams, measures of any kind, instruments or mechanical devices for weighing or measurement, tools, appliances and accessories connected with any or all such instruments or measurements used in buying or selling by the person, firm or corporation, designated in such request. Upon the written request of any person, firm or corporation, using, having for use, selling, keeping or offering for sale any weight, scale, beam, measure of any kind or instrument or mechanical device for weighing or measurement, tools, appliances and accessories connected with any or all such instruments or measures, in any county, city, town, or city and county in which there has been appointed a sealer under the provisions of this Act, the sealer for such county, city, town or city and county shall test or cause to be tested, as soon thereafter as is practicable, the weights, scales, beams, measures of any kind, instrument or mechanical device for weighing or measurement, tools, appliances and accessories connected with any or all such instruments or measures belonging to or used by such person, firm or corporation; but such written request shall not relieve the person, firm or corporation making it from any violation of the provisions of this Act or of the responsibility provided in this Act for using, keeping for use, selling or offering to sell, or keeping for sale, any false weight, scale, beam, measure of any kind, instrument or mechanical device

for weighing or measurement, tools, appliances and accessories connected with any or all such instruments or measures.

SEC. 29. The sealer shall, within his county, city, town or city and county, inspect, try, test all weights, scales, beams, measures of any kind, instruments or mechanical devices for weighing or measurements, and tools, appliances and accessories connected with any or all such instruments or measures, kept for the purpose of sale, sold, or used by any proprietor, agent, lessee or employee in passing the size, quantity, extent, area, weight or measurement of quantities, things, produce, articles for distribution or consumption, offered or submitted by such person or persons for sale, hire or award and ascertain if the same are correct; and he shall have the power to and shall, from time to time, weigh or measure packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered for sale or sold, or in the process of delivery, in order to determine whether the same contain the quantity or amount represented and whether they are being offered for sale or sold in accordance with law. He shall, at least twice in each year, or as much oftener as he deems necessary, see that the weights, measures and all weighing and measuring apparatus, used in his county, city, town, or city and county, are correct. He may, for the purpose above mentioned, and in the general performance of his duty, without formal warrant, enter or go into or upon, any stand, place, building or premises or stop any vendor, peddler, junk dealer, driver of a coal wagon, ice wagon or delivery wagon or the driver of any wagon containing commodities for sale or delivery, and if necessary, require him to proceed to some place which the sealer may specify for the purpose of making the proper tests.

SEC. 30. Any sealer having knowledge of a violation of any of the provisions of this Act, or of any law relating to weights and measures shall cause the violator to be prosecuted.

SEC. 31. Whenever a sealer compares weights and measures or weighing or measuring instruments and finds that they correspond, or causes them to correspond, to the standards in his possession, he shall seal or mark, under his name, such weight or measure or weighing or measuring instrument with an appropriate device showing that the weight or measure or weighing or measuring instrument is correct and the date of the inspection, which device shall be placed so as to be easily seen. He shall condemn and seize and may destroy incorrect weights and measures and weighing and measuring instruments which can not be repaired, but any weight, measure or weighing or measuring instrument which shall be found to be incorrect, but which can be repaired, he shall cause to be marked with a tag or other suitable device with the words "Out of Order." The owners or users of any weights or measures or weighing or measuring instruments which have been marked "Out of Order," as in this section provided, may have the same repaired or corrected, but until the same have been repaired or corrected and tested as herein provided the owners or users thereof may neither use nor dispose of the same in any way, but shall hold the same at the disposal of the sealer. When the same have been repaired or corrected the owner or user thereof shall notify the sealer and the sealer shall again test and prove the weight, measure, or weighing or measuring instrument, which had been found incorrect and marked as in this section provided, and until such weight, measure, or measuring or weighing instrument has been reinspected by the sealer and found correct, the same shall not be used or in any way disposed of by the owner. Any person who removes or obliterates any tag or device placed upon any weight, measure, or weighing or measuring instrument by the sealer as in this Act provided, shall be guilty of a misdemeanor. When any weight, measure or weighing or measuring instrument has been repaired and corrected, as in this Act provided, and has been reinspected and found correct by the sealer of weights and measures, as in this Act provided, the sealer of weights and measures shall remove the tag or device with the words "Out of Order," and shall seal and mark such weight, measure, or weighing or measuring instrument in the manner provided for the marking of the same where upon inspection they are found correct.

SEC. 32. Any person who, by himself, or his employee or agent, or as the employee or agent of another, shall use, in the buying or selling of any commodity, or retain in his possession a false weight or measure or weighing or measuring instrument, or use or retain in his possession any weight or measure or weighing or measuring instrument in any county, city, town, or city and county in which there has been appointed a sealer of weights and measures in accordance with the provisions of this Act, which has not been sealed by a sealer within one year, or who shall dispose of any condemned weight or measure, or weighing or measuring instrument contrary to law, or any person who, by himself, or his employee or agent, or as the employee or agent of another, shall sell or offer for sale or have in his possession for the purpose of selling any device or instrument to be used to or calculated to falsify any weight or measure, and any person who, by himself or his employee or agent, or as the employee or agent of another, shall sell or offer or expose for sale any commodity, produce, article or thing in a less quantity than he represents it to be or contain, shall be guilty of a misdemeanor."

Amendment adopted.

Also:

Strike out the second "or" on line 3 of Section 35, page 14 of the printed bill, and insert in lieu thereof the following: "and".

Amendment adopted.

Also:

Strike out Section 37 and renumber the remaining sections of the Act.

Amendment adopted.

Also:

Strike out Sections 41, 42, 43, 44, 45, and insert in lieu thereof the following:
 "SEC. 40. It shall be the duty of all officers, directors and managers of corporations, whose respective corporations use or keep for use, sell or offer for sale, any weights, measures, or weighing or measuring instruments which are subject to inspection by the provisions of this Act, to comply with the provisions of this Act on behalf of their respective corporations; and it shall be the duty of all officers, directors and managers of corporations, whose respective corporations offer for sale or keep for sale any commodity, produce, article or thing which is subject to inspection by the provisions of this Act, to comply therewith on behalf of their respective corporations. In case any corporation shall violate any of the provisions of this Act, the corporation and the officers thereof directly concerned with the act or acts constituting such violation shall be severally guilty of a misdemeanor.

SEC. 41. Any sealing or testing of any weight, measure, weighing or measuring instrument by the state superintendent or his deputy shall have the same force and effect as a sealing or testing by a sealer or his deputy.

SEC. 42. There is hereby appropriated out of the General Fund of the State the sum of twelve thousand dollars for carrying into effect the provisions of this Act.

SEC. 43. This Act shall be known as the Weights and Measures Act."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Welch, the Secretary was directed to issue a rush order for printing Senate Bill No. 2, as amended.

MOTION.

On motion of Senator Welch Senate Bill No. 2 was ordered re-referred to Committee on Finance.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 23—An Act to amend Section 2185c of the Political Code of the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 33—An Act to amend Section 4 of an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such elections; and providing for the punishment of all violations of the provisions of this Act" (approved March 20, 1903).

Bill read second time, ordered engrossed, and on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to take up Senate Constitutional Amendment No. 3 for consideration out of order.

SENATE CONSTITUTIONAL AMENDMENT No. 3.

A resolution to propose to the people of the State of California an amendment to Section 164, of article eleven, of the Constitution, relating to the deposits of moneys belonging to the State, or to any county or municipality within the State.

The Legislature of the State of California, at its extraordinary session of the thirty-ninth session, commencing on the twenty-seventh day of November, A. D. nineteen hundred and eleven, two thirds of the members elected to both the Senate and Assembly, respectively, voting therefor, hereby proposes to the people of the State of California that Section 164 of article eleven of the Constitution of this State be amended so as to read as follows:

Section 164. All moneys belonging to the State, or to any county or municipality within this State, may be deposited in any national bank or banks within this State, or in any bank or banks organized under the laws of this State, in such manner and under such conditions as may be provided by law: *provided*, that such bank or banks in which such moneys are deposited shall furnish as security for such deposits, bonds of the United States, or of this State or of any county, municipality or school district within this State, or of any irrigation district within this State, to be approved by the officer or officers designated by law, to an amount in value of at least ten per cent in excess of the amount of such deposit: *and provided*, that such bank or banks shall pay a reasonable rate of interest, not less than two per cent per annum on the daily balances therein, deposited: *and provided*, that no deposit shall at any one time exceed fifty per cent of the paid-up capital stock of such depository bank or banks: *and provided, further*, that no officer shall deposit at one time more than twenty per cent of such public moneys available for deposit in any bank while there are other qualified banks requesting such deposits.

Senate constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 3 adopted by the following vote:

AYES. Senators Avey, Bohan, Bell, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Juddard, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strohbridge, Thompson, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Senate Constitutional Amendment No. 3 ordered engrossed, and transmitted to the Assembly.

SUSPENSION OF RULES.

Senator Wolfe moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 7, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Senate Bill No. 16—An Act to amend section eleven hundred and six of the Political Code of the State of California, relating to cancellation of names entered in the great register.

Also: Senate Bill No. 10—An Act to amend Section 1142 of the Political Code of the State of California, relating to elections.

Also: Senate Bill No. 29—An Act to amend Section 1 of an Act entitled "An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee" approved May 1, 1911, relating to reciprocal or inter-insurance against loss or other damage to property—and report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 16, 10 and 29 ordered on file for third reading.

THIRD READING OF SENATE BILLS—(OUT OF ORDER.)

On motion of Senator Roseberry, the third reading of Senate bills was taken up for consideration, out of order.

Senate Bill No. 16—An Act to amend section eleven hundred and six of the Political Code of the State of California, relating to cancellation of names entered in the great register.

Read third time.

On motion of Senator Bell, Senate Bill No. 16 was temporarily passed on file, to retain its place.

Senate Bill No. 10—An Act to amend Section 1142 of the Political Code of the State of California, relating to elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 10 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Bryant, Caminetti, Campbell, Cassidy, Cullen, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 29—An Act to amend Section 1 of an Act entitled "An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee," approved May 1, 1911, relating to reciprocal or interinsurance against loss or other damage to property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 29 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cullen, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Wolfe, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 7, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following:

Assembly Bill No. 3—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 20 thereof.

Also: Assembly Bill No. 24—An Act to amend Section 4023 of the Political Code of the State of California, relating to eligibility to county, district and township offices.

Also: Assembly Bill No. 29—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a

certificate of the State Controller, and for the recording of such bonds in the office of the State Controller.

L. B. MALLORY, Chief Clerk of the Assembly.
By **THOMAS G. WALKER**, Assistant Clerk.

Assembly Bill No. 24 read first time and referred to Committee on Elections and Election Laws.

MOTION.

Senator Cullen announced that Assembly Bill No. 3 is identical with Senate Bill No. 25, and moved that Assembly Bill No. 3 and Senate Bill No. 25 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 3 and Senate Bill No. 25 ordered referred to Committee on Engrossment and Enrollment.

MOTION.

Senator Curtin announced that Assembly Bill No. 29 is identical with Senate Bill No. 26, and moved that Assembly Bill No. 29 and Senate Bill No. 26 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 29 and Senate Bill No. 26 ordered referred to Committee on Engrossment and Enrollment.

REPORTS OF STANDING COMMITTEES. OUT OF ORDER.

The following reports of standing committees were received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, December 7, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 3—Relative to restricting Japanese and other Asiatic immigration—have had the same under consideration, and respectfully report the same back and recommend that it be not adopted.

WRIGHT, Chairman.

Senate Joint Resolution No. 3 ordered on file.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, December 7, 1911.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 36—An Act to amend Section 1837 of the Political Code, relating to the levying of district school taxes by boards of supervisors—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

BLACK, Chairman.

Senate Bill No. 36 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, December 6, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 5—An Act to amend section four thousand and thirteen of the Political Code of California, relating to the officers of a county.

Also: Senate Bill No. 6—An Act to amend Section 4222 of the Political Code of California, relating to the salaries and fees of officers in counties of the third class. Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

HEWITT, Chairman.

Senate Bills Nos. 5 and 6 ordered on file for second reading.

MOTION.

Senator Shanahan moved that 500 additional copies of Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books—be printed.

Motion carried.

PERMISSION TO USE SENATE CHAMBER GRANTED.

Senator Wolfe asked for, and was granted, unanimous consent that the clergymen of Sacramento be granted the use of the Senate Chamber, on Sunday, December 17, for the purpose of holding a mass meeting to protest against the action of the Russian Government in violating the provisions of the treaty of 1832 by refusing admission into Russia of duly accredited American citizens because of their religious beliefs.

ADJOURNMENT.

At eleven o'clock and five minutes A. M., on motion of Senator Bell, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Friday, December 8, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hays, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright 37.

Quorum present.

PRAYER.

Prayer was offered by Rev. Clarence Woodman, C. S. P.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, December 7, 1911, the further reading was dispensed with, on motion of Senator Rush.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 8, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to Section 16½ of article eleven of the Consti-

tion, relating to the deposits of moneys belonging to the State, or to any county or municipality within the State.

Also: Senate Bill No. 26—An Act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the State school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller.

Also: Senate Bill No. 23—An Act to amend Section 2185c of the Political Code of the State of California.

Also: Senate Bill No. 33—An Act to amend Section 4 of an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act" (approved March 20, 1903).

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Constitutional Amendment No. 3 ordered transmitted to the Assembly.

Senate Bills Nos. 23, 26, and 33 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 8, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Joint Resolution No. 2—Relating to the action of the Russian Government in discriminating against the admission of certain classes of American citizens into that country—and report that the same has been correctly enrolled.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, December 8, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment to whom was referred Assembly Bill No. 3—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 20 thereof.

Also: Senate Bill No. 25—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 20 thereof.

Have had the same under consideration, and respectfully report that Assembly Bill No. 3 is not identical with Senate Bill No. 25.

And: Assembly Bill No. 29—An Act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the State school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller.

Also: Senate Bill No. 26—An Act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the State school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller.

Have had the same under consideration, and respectfully report that Assembly Bill No. 29 is not identical with Senate Bill No. 26.

CASSIDY, Chairman.

Senate Bills Nos. 25 and 26 ordered on file for second reading.

Assembly Bills Nos. 3 and 29 read first time and referred to Committee on Banking.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, December 7, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 12—An Act to provide for the keeping by employers of a record of injuries suffered by their employees; the reporting of such injuries to the Industrial Accident

Board by employers and attending physicians; the keeping by employers and insurance companies of records of claims for injuries suffered by employees, and of compromises and settlements made therefor and requiring the reporting thereof to said board; and fixing a penalty for refusal or neglect to keep such records or make such reports—have had the same under consideration, and respectfully report the same back with amendments and recommend that the same do pass as amended.

ROSEBERRY, Chairman.

Senate Bill No. 12 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Hurd: Senate Bill No. 41—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts.

Bill read first time, and referred to Committee on Apportionment and Representation.

POINT OF ORDER.

Senator Hare raised the point of order that the reapportionment and redistricting of the State of California into senatorial and assembly districts at this time was not in order, on the ground that such redistricting could only be effected at the session of the Legislature next ensuing the completion of the census enumeration by the United States.

RULING ON POINT OF ORDER.

The President of the Senate declared the point of order raised by Senator Hare not well taken.

PROTEST ON RULING ON POINT OF ORDER.

Senator Hare filed a written protest against the ruling of the President and asked for, and was granted, unanimous consent that the protest be printed in the Senate Journal.

PROTEST.

At this time, as a member of the Legislature, I wish to object to the reapportionment and redistricting of the State of California into senatorial and assembly districts, upon the following grounds:

First, Section 6 of Article IV of the Constitution of the State of California provides for the reapportionment and redistricting of the State of California into senatorial and assembly districts. Under the provisions of said section and article it was the duty of this Legislature at the last regular session, to have reapportioned and redistricted the State into senatorial and assembly districts, because of the fact that said provisions of the Constitution provides that the Legislature *shall* at the next session after the completion of the census enumeration by the United States, reapportion and divide the State into senatorial and assembly districts. The census taken under the direction of Congress of the United States was completed prior to the convening of the last regular session, which adjourned *sine die*.

The term "shall," as used in said Section 6, Article IV, is mandatory, and is expressly made so by the provisions of Section 22, Article I of said Constitution, and by reason thereof the Legislature at this time has no power or authority in law, or otherwise, to reapportion and divide the State into senatorial and assembly districts, and as a member of the Senate of the State of California, I object to the Legislature or to the Senate of this State, at this time, by reason of the foregoing, dividing or reapportioning the State of California into senatorial and assembly districts, or adopting any measure, resolution or law providing for the same; and I request and demand that these objections be enrolled upon the minutes of the Senate of the State of California.

JOHN P. HARE.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, December 8, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 32—An Act to amend Section 1094 of the Political Code of California, relating to the registration of voters—has had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

ESTUDILLO, Chairman.

Senate Bill No. 32 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC. —(RESUMED.)

By Senator Stetson: Senate Bill No. 42—An Act to amend Section 4017 of the Political Code with reference to the consolidation of county offices.

Bill read first time, and referred to Committee on County Government.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 16—An Act to amend section eleven hundred and six of the Political Code of the State of California, relating to cancellation of names entered in the great register.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Bell moved to refer to Senator Hewitt as a special committee of one, to amend as follows:

By striking out of Section 1, line 26, the words "in Section 3079 of this code" and inserting in lieu thereof the following: "by law".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 8, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 16, with instructions to amend, respectfully reports the same back, amended as per instructions.

HEWITT, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 26—An Act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and for providing a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller.

Read third time.

On motion of Senator Curtin, Senate Bill No. 26 was temporarily passed on file, to retain its place.

Senate Bill No. 23—An Act to amend Section 2185c of the Political Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 23, passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsell, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Cutton, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stilson, Strobbridge, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 33—An Act to amend Section 4 of an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such elections; and providing for the punishment of all violations of the provisions of this Act" (approved March 20, 1903).

On motion of Senator Hare, Senate Bill No. 33 was temporarily passed on file, to retain its place.

SENATE JOINT RESOLUTION NO. 1.

A resolution requesting the Congress of the United States to cede Yosemite Valley, and the watershed surrounding the same, to the State of California.

WHEREAS, The United States did on the 30th day of June, 1864, by an Act of Congress, cede to the State of California the cleft or gorge of land in Mariposa County known as Yosemite Valley "in trust for public use, resort and recreation"; and

WHEREAS, The State of California by legislative act passed April 2, 1866, accepted said trust, and thereafter to March 3d, 1905, did properly and adequately care for and manage said Yosemite Valley in accordance with said trust; and

WHEREAS, On said 3d of March, 1905, by a legislative act, the State of California did recede said Yosemite Valley to the United States and so did, by reason of the fact that on October 1st, 1890, Congress by an Act created Yosemite National Park, which embraced a territory of 1,512 square miles surrounding said Yosemite Valley on all sides, and it was believed that by reason thereof it was for the best interest of the future care and management of Yosemite Valley that it be receded to the United States, and it was confidently asserted by Senators and members of the Assembly that large and liberal appropriations would be thereafter made by Congress of the United States for the support and maintenance of said Yosemite Valley; and

WHEREAS, Said Yosemite Valley has been in possession and control of the United States for more than six years, and that Congress has not in any one year appropriated as much money for the support and maintenance of said Yosemite Valley as was annually appropriated by the State of California during the three years next preceding the recession of said Yosemite Valley; and

WHEREAS, There is urgent need of the erection of a large hotel in said valley, the construction of suitable roads therein, the widening of the trails leading from the floor of the valley to the various points therein, and the clearing the dead underbrush therein and otherwise making said valley a place of resort and recreation; and it is believed adequate appropriations of money therefor can not be had from the United States; now, therefore, be it

Resolved by the Senate and Assembly of California, jointly, That the Congress of the United States be, and it is hereby, requested to cede to the State of California the said Yosemite Valley and the natural watershed surrounding the same, upon the trusts that the State of California will by legislative act, forever maintain said tract as a place of resort and recreation for all time; that it will hold unalienable, for all time, the title to all the land and water therein, and will preserve from destruction the timber, mineral deposits, natural wonders and curiosities therein, and that by a board of trustees, to be provided for in such Act, it will provide for the

proper care and management of the same and make suitable appropriations therefor; be it further

Resolved, That the Secretary of the Senate forward a copy of these resolutions to each of our Senators and Representatives in Congress.

The following amendments were submitted by committee:

On page 2, paragraph 4, line 3, strike out the words "as such" and insert in lieu thereof the following: "sufficient".

Amendment adopted.

Also:

On page 2, paragraph 4, line 4, strike out the words "as was annually appropriated by the State of California during the three years next preceding the recession of said Yosemite Valley," and insert in lieu thereof the following: "or to place said valley in such condition by providing adequate hotel accommodation, the construction of good roads, trails and bridges therein and the clearing of undergrowth as natural beauty and grandeur of said valley deserves, and".

Amendment adopted.

Also:

On page 2, paragraph 5, line 6, after the word "believed" insert the following "that".

Amendment adopted.

Also:

On page 2, paragraph 5, line 7, strike out the words "can not be had from" and insert in lieu thereof the following: "ought to be appropriated by".

Amendment adopted.

Also:

On page 2, paragraph 6, line 3, after the word "requested" insert the following "to appropriate one million of dollars to be expended in said Yosemite Valley during the next four years, making two hundred and fifty thousand dollars available each year of said four years for the purposes hereinbefore stated, and that if Congress does not so do and make different and adequate appropriation to be expended in said valley as herein requested, then the said Congress is hereby requested".

Amendment adopted.

Joint resolution ordered to print, and on file.

RUSH ORDER TO PRINTER.

On motion of Senator Curtin, the Secretary was directed to issue a rush order for printing Senate Joint Resolution No. 1.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Joint Resolution No. 3—Relative to restricting Japanese and other Asiatic immigration.

On motion of Senator Sanford, Senate Joint Resolution No. 3, was temporarily passed on file, to retain its place.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hare asked for, and was granted, unanimous consent to take up Senate Bill No. 33 for consideration out of order, for the purpose of amendment.

Senate Bill No. 33—An Act to amend Section 4 of an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and

registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such elections; and providing for the punishment of all violations of the provisions of this Act" (approved March 20, 1903).

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hare moved to refer to Senator Caminetti as a special committee of one, to amend as follows:

On page 1, Section 1, line 1, insert the words: "SECTION 1".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 8, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 33, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

SUSPENSION OF RULES.

Senator Wright moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion carried.

SECOND READING OF SENATE BILLS.

Senate Bill No. 4—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149e and 4149f, providing for the appointment of a registrar of voters, prescribing his duties, and fixing his term of office.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, lines 4, 5, 6, 7, 8, 9, 10 and 11, strike out the words "The board of supervisors of each county, at the first meeting thereof held in January, 1912, and at the first meeting thereof held in January every four years thereafter, shall appoint a suitable person to serve for the period of four years from the date of his appointment as registrar of voters of the county; *provided, however,* that in all counties, except counties of the first and third classes and cities and counties, the county clerk shall be ex officio registrar of voters," and insert in lieu thereof the following: "The board of supervisors of each county shall appoint a registrar of voters who shall serve until twelve o'clock M. of the first Monday after the first day of January, 1915, and on the first Monday after the first day of January, 1915, and every four years thereafter, the board of supervisors of each county shall appoint a registrar of voters who shall receive the compensation provided by law and shall serve for the period of four years; *provided, however,* that in all counties, and cities and counties, except cities and counties having a registrar of voters by charter provision and counties of the third class, the county clerk shall be ex officio registrar of voters."

Amendment adopted.

Also:

In line 8, Section 2, page 2 of the printed bill, between the semicolon and the word "voters" insert the following: "unless otherwise provided by law".

Amendment adopted.

Also: The following amendment was offered by Senator Larkins:

On page 1, Section 1, line 9, strike out the words "*provided, however, that in all counties, except counties of first and third classes and cities and counties, the clerk shall be ex officio registrar of voters,*" and insert in line 9 after the word "county" the following: "when they deem it necessary at such compensation as they may determine payable out of the county funds of such county."

POINT OF ORDER.

Senator Stetson raised the point of order, that the amendment offered by Senator Larkins was an amendment to the amendment offered by committee, and adopted by the Senate, and therefore not in order.

RULING ON THE POINT OF ORDER.

The President of the Senate ruled the point of order raised by Senator Stetson well taken.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 24—An Act to amend section one of an Act entitled "An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten, which is provided in section fourteen of article thirteen of the Constitution of this State and as provided in an Act of the thirty-ninth session of the Legislature entitled 'An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation'." approved April 26, 1911.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 30—An Act approving the report of the California Débris Commission, transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries, or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 4, line 1, strike out the word "five" and insert in lieu thereof the following: "ten".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 36—An Act to amend Section 1837 of the Political Code, relating to the levying of district school taxes by boards of supervisors.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 5—An Act to amend section four thousand and thirteen of the Political Code of California, relating to the officers of a county.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 6—An Act to amend Section 4232 of the Political Code of California, relating to the salaries and fees of officers in counties of the third class.

During second reading of the bill, the following amendment was offered by Senator Stetson:

Strike out the word "fifteen" in line 4, page 14 of the printed bill, and insert in lieu thereof the word "eighteen".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MOTION.

Senator Curtin moved to recall Assembly Bill No. 29—An Act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller— from Committee on Banking, and re-refer Assembly Bill No. 29 to Committee on Judiciary.

Motion carried.

MOTION.

Senator Cutten moved to recall Assembly Bill No. 3 from Committee on Banking.

Motion carried.

MOTION.

Senator Cutten announced that Assembly Bill No. 3 is identical with Senate Bill No. 25, and moved that Assembly Bill No. 3 and Senate Bill No. 25 be re-referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 3 and Senate Bill No. 25 ordered re-referred to Committee on Engrossment and Enrollment.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER)

The following bills, etc., were introduced:

By Senator Stetson: Senate Bill No. 43—An Act to amend Section 4020 of the Political Code, referring to consolidation of county offices.

Bill read first time, and referred to Committee on County Government.

By Senator Hewitt: Senate Bill No. 44—An Act to provide for submitting to the qualified electors of every city and county, incorporated city or town in this State the question whether such city and county, or incorporated city or town shall retain the powers of control vested therein respecting all or any public utilities, and providing further for

elections thereafter to surrender such powers in case the voters of any such city and county or incorporated city or town shall have voted to retain such powers or to reinvest such city and county, or incorporated city or town, with such powers, in case the voters thereof have voted to surrender such powers.

Bill read first time, and referred to Committee on Corporations.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 8, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bill:

Senate Bill No. 25—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 20 thereof, and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 25 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 8, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed twelve thousand five hundred dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an Industrial Accident Board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911"—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 11 ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC. (OUT OF ORDER)

The following bills, etc., were introduced:

By Senator Hurd: Senate Bill No. 45—An Act to amend Section 117 of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts.

Bill read first time, and referred to Committee on Apportionment and Representation.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Curtin, the hour of recess was extended thirty minutes.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Roseberry asked for, and was granted unanimous consent to take up Senate Bill No. 11 for consideration out of order, for the purposes of amendment.

Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board

to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed twelve thousand five hundred dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911."

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Boynton moved to refer to Senator Roseberry as a special committee of one, to amend as follows:

By striking out of Section 7, line 3, the words "eight thousand", and inserting in lieu thereof the following: "fifteen thousand".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 8, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 11, with instructions to amend, respectfully reports the same back, amended as per instructions.

ROSEBERRY, Committee.

Report of special committee of one, and amendment, adopted.

Also:

Senator Boynton moved to refer to Senator Roseberry as a special committee of one, to amend as follows:

Amend the title by striking out of line 10 the words "twelve thousand five hundred" and inserting in lieu thereof the following: "fifteen thousand".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 8, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 11, with instructions to amend, respectfully reports the same back, amended as per instructions.

ROSEBERRY, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

TIME OF RECESS EXTENDED.

At one o'clock P. M., on motion of Senator Roseberry, the hour of recess was extended fifteen minutes.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 8, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 28—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending sections twelve and twelve *a* thereof, relating to the corporate names of associations other than banks.

Also: Senate Bill No. 14—An Act excluding certain lands from Reclamation District No. 535, and providing for the continuance of said district as to the remain-

ing lands within the boundaries thereof, and providing that the lands so excluded shall be liable for their just proportion of the legal indebtedness of said district, when the same shall be ascertained by law.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 28 and 14 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 8, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment, to whom was referred Assembly Bill No. 3—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 20 thereof.

And Senate Bill No. 25—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 20 thereof.

Have had the same under consideration, and respectfully report that Assembly Bill No. 3 is identical with Senate Bill No. 25, and recommend that Senate Bill No. 25 be withdrawn.

CASSIDY, Chairman.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Under the terms of Rule 31 of the Standing Rules of the Senate, Senate Bill No. 25 and Assembly Bill No. 3 having been reported identical, by the Committee on Engrossment and Enrollment, Senate Bill No. 25—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 20 thereof—considered withdrawn.

Assembly Bill No. 3—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 20 thereof—ordered on second reading file of Assembly bills.

CONSIDERATION OF BILL. (OUT OF ORDER).

Senator Walker asked for, and was granted unanimous consent to take up Assembly Bill No. 3 for consideration out of order.

Assembly Bill No. 36—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 20 thereof.

Bill read second time, and on file for third reading.

RECESS.

At one o'clock and fifteen minutes P. M., on motion of Senator Bell, the President declared the Senate at recess until three o'clock P. M. of this day.

RECONVENED.

At three o'clock P. M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem, of the Senate, in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, December 8, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 29—An Act relating to bonds of irrigation districts, providing under what

circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

STETSON, Chairman.

Assembly Bill No. 29 ordered on file for second reading.

RESOLUTION.

The following resolution was introduced:

By Committee on Contingent Expenses:

Resolved, That the State Controller be and he is hereby ordered to draw his warrant in favor of the Secretary of the Senate for one hundred dollars upon the Contingent Fund of the Senate for the purchase of stamps for postage and the Mailing Clerk of the Senate, and the Treasurer is directed to pay the same.

BURNETT, Chairman.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Haro, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Walker, and Wright—31.

NOES—None.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, December 8, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 3—An Act to amend Section 1280 of the Political Code of the State of California, relating to the official canvass of election returns—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

ESTUDILLO, Chairman.

Senate Bill No. 3 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to take up Senate Bill No. 12 for consideration out of order, for the purpose of amendment.

Senate Bill No. 12—An Act to provide for the keeping by employers of a record of injuries suffered by their employees; the reporting of such injuries to the Industrial Accident Board by employers and attending physicians; the keeping by employers and insurance companies of records of claims for injuries suffered by employees and of compromises and settlements made therefor and requiring the reporting thereof to said board; and fixing a penalty for refusal or neglect to keep such records or make such reports.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 5, strike out the word "ten" and insert in lieu thereof the following: "fifteen".

Amendment adopted.

Also :

On page 1, Section 1, line 4, after the word "death" insert a comma.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Burnett asked for, and was granted, unanimous consent to take up Senate Bill No. 32 for consideration out of order, for the purpose of amendment.

Senate Bill No. 32—An Act to amend Section 1094 of the Political Code of the State of California, relating to the registration of voters.

During second reading of the bill, the following amendments were submitted by committee:

After the word "counties" and before the word "know", on page 2, line 18 of the printed bill, insert the following: "where the registration at the last preceding presidential election exceeded eighty-five thousand".

Amendment adopted.

Also :

On line 26, page 2 of the printed bill, strike out the word "twenty" and insert in lieu thereof the word "fifteen".

Amendment adopted.

Also :

After the word "open" and before the word "from", on line 29 of page 2 of the printed bill, insert the following words: "at least from two o'clock to nine o'clock P. M. for the first six days of such registration and for the remaining nine days thereof".

Amendment adopted.

Also :

On line 40 of page 2 of the printed bill, strike out the words "authorities in charge" and insert in lieu thereof the words "board having control".

Amendment adopted.

Also :

In line 41 after the word "provide" insert the following: "Affidavits of registration to be used for the purpose of transferring the registration from one precinct to another in the same city and county, shall have printed upon the margin thereof the following words and matter: Transfer of registration from last former precinct in this city and county. Such last former registration gave my residence at _____ (inserting such last former place of precinct registration in said city and county), and the person so transferring his precinct registration shall be required as a part of such affidavit to so state such last former place of registration in said city and county, and if such last former registration of such person from the residence so specified is not found at the main office of registration, then and in that event if such last transfer was not made at such main office, such voter may be cited by written or printed notice, mailed in a sealed envelope, with proper postage thereon, addressed to the last place of registration of such person, citing such person to appear at the main office of registration, not later than ten days from the time of mailing such citation (specifying the last day for such appearance), to correct or correctly state his last former place of residence and registration in said city and county prior to his last said transfer, and that unless he so appear and make such statement in such manner that his said last former precinct registration, before said transfer, may be found, that his said last transfer of registration will be cancelled. Unless such person shall appear at such main office according to the requirements of such citation and make such statement as will enable his said last former precinct registration, prior to said last transfer in said city and county, to be found, his said last transfer of registration shall be cancelled."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hare asked for, and was granted, unanimous consent to take up Senate Bill No. 3 for consideration out of order, for the purpose of amendment.

Senate Bill No. 3—An Act to amend Section 1280 of the Political Code of the State of California, relating to the official canvass of election returns.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, strike out all of the rest of the section after the word "had", in line 9, and insert in lieu thereof the following: "In any county or city and county where the number of election precincts in said county or city and county exceed five hundred, said board may appoint several sets of clerks to perform the clerical work of the canvass and to assist in canvassing said returns; and said several sets of clerks so appointed may, under the order and direction of said board, do and perform such work in the canvassing of such returns simultaneously."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to take up Assembly Bill No. 29 for consideration out of order, for the purpose of amendment.

Assembly Bill No. 29—An Act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller.

During second reading of the bill, the following amendments were submitted by committee:

On page 3, Section 4, add after the word "Cal.," on line 5, the following: "(here insert date)".

Amendment adopted.

Also:

On line 5, Section 4, strike out the last figure "1" in the figures "1911," so that the same will be "191__."

Amendment adopted.

Also:

Amend Section 4 by adding on line 19, after the word "approved," the following: "(here insert date)."

Amendment adopted.

Also:

Amend Section 4 by striking out of line 19 the last figure "1" in the figures "1911," so that the same will read "191__."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Walker asked for, and was granted, unanimous consent to take up Senate Bill No. 28 for consideration out of order.

Senate Bill No. 28—An Act to amend an Act entitled "An Act to define and regulate the business of banking," by amending sections twelve and twelve *a* thereof, relating to the corporate names of associations other than banks.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 28 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobidge, Thompson, Walker, Welch, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Bills asked for, and was granted, unanimous consent to take up Senate Bill No. 14 for consideration out of order.

Senate Bill No. 14—An Act excluding certain lands from Reclamation District No. 535, and providing for the continuance of said district as to the remaining lands within the boundaries thereof, and providing that the lands so excluded shall be liable for their just proportion of the legal indebtedness of said district, when the same shall be ascertained by law.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 14 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Stetson, Strobidge, Thompson, Walker, Welch, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, December 8, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 2—An Act to establish a standard of weights and measures in the State of California: to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this Act; for the admission in evidence of copies of the State's standards of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions

of this Act including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this Act into effect—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

CUTTEN, Chairman

Senate Bill No. 2 ordered on file for third reading.

LEAVES OF ABSENCE.

Senator Wolfe was, on motion of Senator Hurd, granted leave of absence until Sunday, December 10, 1911.

Senator Stetson was, on his own motion, granted leave of absence until Sunday, December 10, 1911.

Senator Tyrrell was, on motion of Senator Stetson, granted leave of absence until Sunday, December 10, 1911.

ADJOURNMENT.

At three o'clock and twenty-five minutes P. M., on motion of Senator Bell, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Saturday, December 9, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hare, Hewitt, Holoburn, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strabridge, Thompson, Walker, Welch, and Wright—33.

Quorum present.

PRAYER.

Prayer was offered by Rev. Clarence Woodman, C. S. P.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, December 8, 1911, the further reading was dispensed with, on motion of Senator Rush.

LEAVES OF ABSENCE.

Senator Martinelli was, on motion of Senator Juilliard, granted leave of absence for this day.

Senator Hans was, on motion of Senator Boynton, granted leave of absence for this day.

Senator Cartwright was, on motion of Senator Sanford, granted leave of absence for this day.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 8, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 4—An Act to amend Section 1083 of the Political Code of the State of California, relating to the qualifications of a voter.

Also: Assembly Bill No. 26—An Act to amend Section 17 of the Political Code of the State of California, relating to definitions of certain terms used in said Code.

Also: Assembly Bill No. 45—An Act to amend Section 1066 of the Political Code of the State of California, relating to the number of votes necessary to elect

Also: Assembly Bill No. 48—An Act to amend Section 1151 of the Political Code of the State of California, relating to boards of election for special election precincts—poll lists.

Also: Assembly Bill No. 50—An Act to repeal Section 1202 of the Political Code of the State of California, relating to ballot clerks—additional election officers.

Also: Assembly Bill No. 25—An Act to amend Section 1106 of the Political Code of the State of California, relating to cancellation of names entered in the great register.

L. B. MALLORY, Chief Clerk of the Assembly
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 4, 26, 45, 48, 50, and 25 read first time.

Assembly Bills Nos. 4, 45, 48, 50, and 25 ordered referred to Committee on Elections and Election Laws.

Assembly Bill No. 26 ordered referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, December 8, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text books—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

STROBRIDGE, Chairman.

Senate Constitutional Amendment No. 1 ordered on file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 9, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 36—An Act to amend Section 1837 of the Political Code, relating to the levying of district school taxes by boards of supervisors.

Also: Senate Bill No. 5—An Act to amend section four thousand and thirteen of the Political Code of California, relating to the officers of a county.

Also: Senate Bill No. 24—An Act to amend section one of an Act entitled "An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten, which is provided in section fourteen of article thirteen of the Constitution of this State, and as provided in an Act of the thirty-ninth session of the Legislature entitled 'An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California, as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation,'" approved April 26, 1911.

Also: Senate Bill No. 1—An Act to amend sections one, three, four, nine, ten and eleven of an Act known as "The Building and Loan Commission Act," Chapter 354, Laws of 1911, approved April 5, 1911, relating to the powers and duties of the Building and Loan Commissioner.

Also: Senate Bill No. 2—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof:

to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this Act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this Act, including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this Act into effect.

And report that the same have been correctly engrossed.

CASSIDY, Chairman

Senate Bills Nos. 36, 5, 24, 1 and 2 ordered on file for third reading

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, December 9, 1911.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 39—An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for conveyance of such water to the place of use"—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

BILLS, Vice-Chairman

Senate Bill No. 39 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, December 8, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 31—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness and the distribution of their property," approved February 10th, 1903, and amended March 3d, 1909, by adding a new section thereto to be numbered Section 24, have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

STETSON, Chairman

Senate Bill No. 31 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILL, ETC.

The following bill, etc., was introduced:

By Senator Larkins: Senate Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and use of such text-books.

Constitutional Amendment referred to Committee on Education.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 26—An Act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and for providing a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller.

On motion of Senator Curtin, Senate Bill No. 26 was temporarily passed on file, to retain its place.

Senate Bill No. 1—An Act to amend sections one, three, four, nine, ten and eleven of an Act known as "The Building and Loan Commission Act." Chapter 354, Laws of 1911, approved April 5, 1911, relating to the powers and duties of the Building and Loan Commissioner.

Senate Bill No. 1 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 2—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this Act; for the admission in evidence of copies of the State's standards of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this Act including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this Act into effect.

On motion of Senator Welch, Senate Bill No. 2 was temporarily passed on file, to retain its place.

Senate Joint Resolution No. 3—Relative to restricting Japanese and other Asiatic immigration.

On motion of Senator Sanford, Senate Joint Resolution No. 3 was temporarily passed on file, to retain its place.

Senate Bill No. 24—An Act to amend section one of an Act entitled "An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten, which is provided in section fourteen of article thirteen of the Constitution of this State and as provided in an Act of the thirty-ninth session of the Legislature entitled 'An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation'," approved April 26, 1911.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 24 passed by the following vote:

AYES—Senators Avey, Reban, Bell, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cutfen, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly

Senate Bill No. 36—An Act to amend Section 1837 of the Political Code, relating to the levying of district school taxes by boards of supervisors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 36 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Regan, Roseberry, Rush, Sanford, Shanahan, Sprobridge, Thompson, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 5—An Act to amend section four thousand and thirteen of the Political Code of California, relating to the officers of a county.

Senate Bill No. 5 ordered re-referred to Committee on County Government.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 3—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 20 thereof.

Read third time.

Assembly Bill No. 3 was temporarily passed on file, in the absence of Senator Walker, to retain its place.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, December 8, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 9—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of public utilities, their officers, agents and employees, and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees, and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

ROSEBERRY, Chairman.

Senate Bill No. 9 ordered on file for second reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Boynton asked for, and was granted, unanimous consent to take up out of order the second reading of all Senate bills received this day in the reports of the standing committees.

Senate Bill No. 39—An Act to amend an Act entitled "An Act to regulate and control the sale, rental and distribution of appropriated

water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the places of use," approved March 12th, 1885, as amended March 2d, 1897, as amended February 28th, 1901, by amending section ten of said Act.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 31—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness and the distribution of their property," approved February 10th, 1903, and amended March 3d, 1909, by adding a new section thereto to be numbered Section 2½.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 9—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act.

During second reading of bill, the following amendments were submitted by committee:

On page 1 of the printed bill, after the enacting clause, strike out the following "Article I."

Amendment adopted.

Also:

On page 1, Section 1, lines 1 and 2 of the printed bill, strike out the following "California Railroad Commission Act" and insert in lieu thereof the following "Public Utilities Act".

Amendment adopted.

Also:

On page 2, Section 2, subsection *f*, line 6 of the printed bill, after the word "credit" insert the following: "by express corporations".

Amendment adopted.

Also:

On page 2, Section 2, subsection *g*, line 5 of the printed bill, after the comma following the word "county," insert the word "or".

Amendment adopted.

Also:

On page 3, Section 2, subsection *i*, line 5 of the printed bill, strike out the word "ways" and insert the word "way".

Amendment adopted.

Also:

On page 3, Section 2, subsection *l*, line 3 of the printed bill, strike out the comma following the word "corporation" and insert a semicolon.

Amendment adopted.

Also:

On page 3, Section 2, subsection *l*, line 14 of the printed bill, strike out all of the subsection following the word "state" and insert in lieu thereof a period.

Amendment adopted.

Also:

On page 6, Section 2, subsection *z*, line 3 of the printed bill, strike out the following: "receivers or trustees".

Amendment adopted.

Also:

On page 6, Section 2, subsection *aa*, line 6 of the printed bill, after the comma following the word "state," insert the following: "in connection with or to facilitate the transportation of property by a common carrier or vessel, or the loading or unloading of the same,".

Amendment adopted.

Also:

On page 9, Section 8, subsection *b*, line 4 of the printed bill, strike out the comma following the word "records".

Amendment adopted.

Also:

On page 9, Section 10, subsection *a*, line 3 of the printed bill, strike out the comma following the word "clerks".

Amendment adopted.

Also:

On page 10, Section 10, subsection *a*, line 6 of the printed bill, strike out the comma following the word "expert".

Amendment adopted.

Also:

On page 10, Section 12, line 2 of the printed bill, strike out the word "January" and insert in lieu thereof the word "December".

Amendment adopted.

Also:

On page 11, of the printed bill, preceding Section 13, strike out the following: "Article II."

Amendment adopted.

Also:

On page 11, Section 14, subsection *a*, line 16 of the printed bill, strike out the comma following the word "aforesaid".

Amendment adopted.

Also:

On page 12, Section 14, subsection *a*, line 3 of the printed bill, strike out the comma following the word "affect".

Amendment adopted.

Also:

On page 12, Section 14, subsection *a*, line 26 of the printed bill, strike out the word "such" and insert in lieu thereof the following: "Subject to such rules and regulations as the commission may prescribe, such".

Amendment adopted.

Also:

On page 12, Section 14, subsection *b*, line 57 of the printed bill, strike out the word "regulations" and all of the remainder of the sentence, including lines 58 and 59, and line 60 on page 13, and insert in lieu thereof the following: "regulations, contracts, privileges and facilities, which in any manner affect or relate to rates, tolls, rentals, classifications, or service."

Amendment adopted.

Also:

On page 13, Section 14, subsection *c*, line 82 of the printed bill, strike out the comma following the word "rules".

Amendment adopted.

Also:

On page 13, Section 15, line 1 of the printed bill, after the period after "15", strike out the following: "(a)".

Amendment adopted.

Also:

On page 14, Section 15, line 20 of the printed bill, after the comma after the word "facility", strike out the following: "the effect of which is to increase any rate, fare, toll, rental or charge then existing, or any part thereof."

Amendment adopted.

Also:

On page 14, Section 15, line 22 of the printed bill, strike out the word "increase" and insert in lieu thereof the word "change".

Amendment adopted.

Also:

On page 16, line 88 of the printed bill, after the semicolon following the word "families", insert the following: "*provided*, that such express matter be for the personal use of the person to or for whom such free or reduced-rate transportation is granted, or of his family".

Amendment adopted.

Also:

On page 17, line 95 of the printed bill, strike out the semicolon following the word "families" and insert a colon.

Amendment adopted.

Also:

On page 17, line 98 of the printed bill, strike out the semicolon following the word "made" and insert a colon.

Amendment adopted.

Also:

On page 17, line 100 of the printed bill, insert a comma after the word "rates".

Amendment adopted.

Also:

On page 17, line 119 of the printed bill, following the word "utility," strike out the following: "other than a common carrier,".

Amendment adopted.

Also:

On page 18, line 1 of Section 19 of the printed bill, after the period following the figures "19," strike out all of the section and insert in lieu thereof the following: "No public utility shall, as to rates, charges, service, facilities or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage. No public

utility shall establish or maintain any unreasonable difference as to rates, charges, service, facilities or in any other respect, either as between localities or as between classes of service. The commission shall have the power to determine any question of fact arising under this section."

Amendment adopted.

Also:

On page 18, Section 20 of the printed bill, strike out all of the section after the period following the figures "20" and insert in lieu thereof the following: "Nothing in this Act shall be taken to prohibit any public utility from itself profiting, to the extent permitted by the commission, from any economies, efficiencies or improvements which it may make, and from distributing by way of dividends, or otherwise disposing of, the profits to which it may be so entitled, and the commission is authorized to make or permit such arrangement or arrangements with any public utility as it may deem wise for the purpose of encouraging economies, efficiencies or improvements and securing to the public utility making the same such portion, if any, of the profits thereof as the commission may determine."

Amendment adopted.

Also:

On page 19, Section 21, line 3 of the printed bill, after the comma after the word "power," insert the words "or telegraph".

Amendment adopted.

Also:

On page 19, Section 21, line 4 of the printed bill, insert a comma after the word "service".

Amendment adopted.

Also:

On page 19, Section 21, line 9 of the printed bill, after the word "arrangement", strike out the following: "with its customers".

Amendment adopted.

Also:

On page 19, Section 21 of the printed bill, strike out all of line 11 and insert in lieu thereof: "heat, light, water or power, or telegraph or telephone service, in relation to the".

Amendment adopted.

Also:

On page 19, Section 22, subsection *a*, line 4 of the printed bill, after the comma following the word "empty," strike out down to and including the comma following the word "commission" on line 5.

Amendment adopted.

Also:

On page 20, Section 22, subsection *a*, line 12 of the printed bill, after the word "any," strike out the following: "connecting or intersecting point." and insert in lieu thereof the following: "point of connection."

Amendment adopted.

Also:

On page 20, Section 22, subsection *a*, line 25 of the printed bill, after the period following the word "charges", strike out the remainder of the subsection.

Amendment adopted.

Also:

On page 20, Section 22, subsection *b*, line 32 of the printed bill, strike out the words "any other telephone or telegraph corporation", and insert in lieu thereof the following: "every other telephone or telegraph corporation with whose line a physical connection may have been made."

Amendment adopted.

Also:

On page 20, Section 23, subsection *a* of the printed bill, strike out all of line 3 following the word "of" down to and including the word "false", in line 4, and insert in lieu thereof the following: "known false billing, classification, weight, weighing, or".

Amendment adopted.

Also:

On page 21, Section 23, subsection *a*, line 12 of the printed bill, after the word "package," insert a comma.

Amendment adopted.

Also:

On page 21, Section 23, subsection *b*, line 2 of the printed bill, after the word "knowingly," strike out the words "or wilfully".

Amendment adopted.

Also:

On page 21, Section 23, subsection *b*, line 9 of the printed bill, strike out the words "or otherwise".

Amendment adopted.

Also:

On page 22, Section 25, subsection *b*, line 16 of the printed bill, strike out the word "same".

Amendment adopted.

Also:

On page 22, Section 25, subsection *b*, line 16 of the printed bill, after the word "in" insert the following: "the proviso in".

Amendment adopted.

Also:

On page 23, Section 26, line 2 of the printed bill, strike out the following: "are at present lawfully transacting," and insert in lieu thereof the following: "by a compliance with the laws of this State are entitled to transact".

Amendment adopted.

Also:

On page 23, Section 26, line 5 of the printed bill, strike out the words "a public utility".

Amendment adopted.

Also:

On page 23, Section 26, line 8 of the printed bill, after the word "present," strike out the words "thus transacting," and insert in lieu thereof the following: "authorized by its charter or articles of incorporation to transact".

Amendment adopted.

Also:

On page 23, Section 26 of the printed bill, strike out all of lines 14, 15 and 16, and insert in lieu thereof the following: "provided, that foreign corporations engaging in commerce with foreign nations or commerce among the several states of this Union may transact within this state such commerce and intrastate commerce of a like character."

Amendment adopted.

Also:

On page 23, Section 27, line 1 of the printed bill, after the word "street," insert the following: "or interurban".

Amendment adopted.

Also:

On page 23, Section 27, line 4 of the printed bill, after the word "any," strike out the words "city or town" and insert in lieu thereof the following: "city and county, or city or town."

Amendment adopted.

Also:

On page 23, Section 27, line 7 of the printed bill, after the word "street," insert the following: "or interurban".

Amendment adopted.

Also:

On page 23, Section 27, line 10 of the printed bill, after the word "such," insert the words "city and county, or".

Amendment adopted.

Also:

On page 23, Section 27, line 10 of the printed bill, after the word "street," insert the words "or interurban".

Amendment adopted.

Also:

On page 23, Section 27, line 15 of the printed bill, strike out the words "city or town" and insert in lieu thereof the following: "city and county, or city or town".

Amendment adopted.

Also:

On page 24, Section 28 of the printed bill, after line 19, add a new paragraph, to read as follows: "(d) No information furnished to the commission by a public utility, except such matters as are specifically required to be open to public inspection by the provisions of this Act, shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding. Any officer or employee of the commission who, in violation of the provisions of this subsection, divulges any such information shall be guilty of a misdemeanor."

Amendment adopted.

Also:

On page 25 of the printed bill, immediately preceding Section 31, strike out the following: "Article III."

Amendment adopted.

Also:

On page 25, Section 32, subsection a, line 6 of the printed bill, strike out the word "of" and insert in lieu thereof the word "or".

Amendment adopted.

Also:

On page 25, Section 32, subsection a, line 9 of the printed bill, strike out the comma after the word "charges".

Amendment adopted.

Also:

On page 25, Section 32, subsection a, line 12 of the printed bill, strike out the word "to" and all of line 13 down to and including the word "rendered".

Amendment adopted.

Also:

On page 26, Section 33, line 15 of the printed bill, strike out the word "carload".

Amendment adopted.

Also:

On page 26, Section 33, line 20 of the printed bill, strike out the comma following the word "fares".

Amendment adopted.

Also:

On page 26, Section 33, line 26a of the printed bill, strike out the word "full" and insert in lieu thereof the word "local".

Amendment adopted.

Also:

On pages 26 and 27, Section 34 of the printed bill, strike out the entire section after the period following the figures "34" and insert in lieu thereof the following: "The commission shall have the power to investigate all existing or proposed interstate rates, fares, tolls, charges and classifications, and all rules and practices in relation thereto, for or in relation to the transportation of persons or property or the transmission of messages or conversations, where any act in relation thereto shall take place within this State; and when the same are, in the opinion of the commission, excessive or discriminatory or in violation of the Act of Congress entitled 'An Act to regulate commerce,' approved February fourth, eighteen hundred and eighty-seven, and the Acts amendatory thereof and supplementary thereto, or of any other Act of Congress, or in conflict with the rulings, orders or regulations of the Interstate Commerce Commission, the commission may apply by petition or otherwise to the Interstate Commerce Commission or to any court of competent jurisdiction for relief."

Amendment adopted.

Also:

On page 27, Section 35, line 11 of the printed bill, after the period, insert the following: "The commission shall prescribe rules and regulations for the performance of any service or the furnishing of any commodity of the character furnished or supplied by any public utility, and, on proper demand and tender of rates, such public utility shall furnish such commodity or render such service within the time and upon the conditions provided in such rules."

Amendment adopted.

Also:

On page 29, Section 38, line 3 of the printed bill, strike out the word "subrserved" and insert in lieu thereof the word "subservd".

Amendment adopted.

Also:

On page 29, Section 38, line 12 of the printed bill, strike out the word "The" and insert in lieu thereof the following: "After the necessary franchise or permit has been secured from the city and county, or city or town, the".

Amendment adopted.

Also:

On page 29, Section 38, line 14 of the printed bill, strike out the word "each" and insert in lieu thereof the word "such".

Amendment adopted.

Also:

On page 30, Section 40, in line 3 of the printed bill, after the word "connection", insert the words "can reasonably be made".

Amendment adopted.

Also:

On page 30, Section 40, in line 6a of the printed bill, after the word "conversations", strike out the remainder of the line, all of line 7 and down to and including the word "made" in line 8.

Amendment adopted.

Also:

On page 30, Section 40, line 11 of the printed bill, strike out the comma after the word "tolls".

Amendment adopted.

Also:

On page 30, Section 40, line 14 of the printed bill, after the comma following the word "made", insert the following: "except where the purpose of such connection is primarily to secure the transmission of local messages or conversations between points within the same city and county, or city and town."

Amendment adopted.

Also:

On page 30, Section 40, line 15 of the printed bill, strike out the words "the same" and in lieu thereof insert the words "such connection".

Amendment adopted.

Also:

On page 32, Section 43, line 21 of the printed bill, after the comma following the term "vice versa", insert the following: "subject to the provisions of Section 2694 of the Political Code, so far as applicable."

Amendment adopted.

Also:

On page 32, Section 44, line 9 of the printed bill, after the comma following the word "provided," strike out the remainder of the line and the words "shall not" in line 10, and in lieu thereof insert the following: "that neither the order or recommendation of the commission nor any accident report filed with the commission shall".

Amendment adopted.

Also:

On page 33, Section 44, line 15 of the printed bill, strike out all of the line following the word "occurring" and also the word "accidents," in line 16, and insert in lieu thereof: "of such kinds or classes".

Amendment adopted.

Also:

On page 33, Section 45, line 18 of the printed bill, strike out the word "extent" and the remainder of the section, and in lieu thereof insert the following: "limits within which express packages shall be gathered and distributed and telegraph and telephone messages delivered without extra charge."

Amendment adopted.

Also:

On page 33, Section 46, line 1 of the printed bill, insert a comma after the word "power".

Amendment adopted.

Also:

On page 35, Section 48, line 36 of the printed bill, strike out all of the section following the period after the word "commission."

Amendment adopted.

Also:

On page 36, Section 50, subsection a, line 8 of the printed bill, strike out the word "subsection" and insert in lieu thereof the word "section".

Amendment adopted.

Also:

On page 36, Section 50, subsection a, line 17 of the printed bill, strike out the word "and" and all the remainder of the subsection down to and including line 24

on page 37, and insert in lieu thereof the following: "*and provided, further, that if any public utility, in constructing or extending its line, plant or system, shall interfere or be about to interfere with the operation of the line, plant or system of any other public utility, already constructed, the commission, on complaint of the public utility claiming to be injuriously affected, may, after hearing, make such order and prescribe such terms and conditions for the location of the lines, plants or systems affected as to it may seem just and reasonable.*"

Amendment adopted.

Also:

On page 37, Section 50, subsection *b*, line 1 of the printed bill, after the word "utility" insert the following: "of a class specified in subsection (a) hereof".

Amendment adopted.

Also:

On page 37, Section 50, subsection *c*, line 11 of the printed bill, strike out the word "railroad" and the comma following.

Amendment adopted.

Also:

On page 38, Section 51, subsection *a*, line 1 of the printed bill, strike out the words "public utility" and in lieu thereof insert the following: "railroad corporation, street railroad corporation, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation or water corporation".

Amendment adopted.

Also:

On page 38, Section 51, subsection *a*, line 10 of the printed bill, after the word "every" insert the word "such".

Amendment adopted.

Also:

On page 38, Section 51, subsection *a*, line 21 of the printed bill, strike out the word "section" and in lieu thereof insert the word "subsection".

Amendment adopted.

Also:

On page 38, Section 51, subsection *a*, line 22 of the printed bill, after the word "utility" insert the following: "of a class designated in this subsection".

Amendment adopted.

Also:

On page 38, Section 51, subsection *a*, line 24 of the printed bill, strike out the article "a" and insert in lieu thereof the word "such".

Amendment adopted.

Also:

On page 39, Section 51, subsection *a*, line 28 of the printed bill, after the word "value" insert a period and strike out the remainder of the subsection.

Amendment adopted.

Also:

On page 39, Section 51, subsection *b*, line 5 of the printed bill, after the period following the word "commission" strike out the remainder of the line and down to and including the period following the word "commission" in line 13.

Amendment adopted.

Also:

On page 40, line 4 of the printed bill, strike out the words "when necessary," and insert in lieu thereof the following: "for the following purposes and no others, namely,".

Amendment adopted.

Also:

On page 40, Section 52, subsection *b*, line 7 of the printed bill, after the comma following the word "obligations" strike out the word "and" and in line 8 of the same page strike out the words "for no other purpose" and insert the following: "or for the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the public utility not secured by or obtained from the issue of stocks or stock certificates, or bonds, notes or other evidences of indebtedness of such public utility, within five years next prior to the filing of an application with the commission for the required authorization, for any of the aforesaid purposes except maintenance of service and replacements, in cases where the applicant shall have kept its accounts and vouchers for such expenditures in such manner as to enable the commission to ascertain the amount of moneys so expended and the purposes for which such expenditure was made;"

Amendment adopted.

Also:

On page 40, line 38 of the printed bill, insert a period after the word "corporations", and strike out the remainder of the sentence.

Amendment adopted.

Also:

On pages 41 and 42, Section 52 of the printed bill, strike out all of subsection *d* and insert in lieu thereof the following: "(d) All stock and every stock certificate, and every bond, note or other evidence of indebtedness, of a public utility, issued without an order of the commission authorizing the same then in effect shall be void, and likewise all stock and every stock certificate, and every bond, note or other evidence of indebtedness, of a public utility, issued with the authorization of the commission, but not conforming in its provisions to the provisions, if any, which it is required by the order of authorization of the commission to contain, shall be void: but no failure in any other respect to comply with the terms or conditions of the order of authorization of the commission shall render void any stock or stock certificate, or any bond, note or other evidence of indebtedness, except as to a corporation or person taking the same otherwise than in good faith and for value and without actual notice."

Amendment adopted.

Also:

On page 42, Section 52, subsection *c*, line 3 of the printed bill, after the comma following the word "indebtedness," insert the following: "in non-conformity with the order of the commission authorizing the same, or".

Amendment adopted.

Also:

On page 42, Section 52, subsection *f*, line 2 of the printed bill, after the comma following the word "person," insert the following: "who knowingly authorizes, directs, aids in, issues or executes, or causes to be issued or executed, any stock or stock certificate, or bond, note or other evidence of indebtedness, in non-conformity with the order of the commission authorizing the same, or contrary to the provisions of this Act, or of the Constitution of this State, or".

Amendment adopted.

Also:

On page 43, Section 52, subsection *h*, line 5 of the printed bill, after the word "had," insert a comma and the following: "or other proceedings taken or had,".

Amendment adopted.

Also:

On page 43, Section 52, subsection *h*, in line 2 of the printed bill, strike out the words "or delivered".

Amendment adopted.

Also:

On page 43, Section 52, subsection *h*, line 7 of the printed bill, strike out the words "and delivery".

Amendment adopted.

Also:

On page 43, Section 52, subsection *b*, line 10 of the printed bill, strike out all of lines 10, 11 and 12, and insert in lieu thereof the following: "prior to such issue. The commission may by its order impose such condition or conditions as it may deem reasonable and necessary."

Amendment adopted.

Also:

On page 43 of the printed bill, immediately preceding Section 53, strike out the following: "Article IV."

Amendment adopted.

Also:

On page 44, Section 55, subsection *a*, line 8 of the printed bill, strike out all following the word "attendance" down to and including the comma following the word "hearing," in line 10, and insert in lieu thereof the following: "the same fees and mileage allowed by law to a witness in civil cases,".

Amendment adopted.

Also:

On page 45, Section 55, subsection *b*, line 1 of the printed bill, strike out the words "of the county or city and county" and insert in lieu thereof the following: "in and for the county, or city and county,".

Amendment adopted.

Also:

On page 45, Section 55, subsection *b*, line 4 of the printed bill, after the word "witness's" insert the following: ", the giving of testimony".

Amendment adopted.

Also:

On page 45, Section 55, subsection *b*, line 5 of the printed bill, after the comma following the word "papers", strike out the remainder of the line and the letters "mony," on line 6, and insert in lieu thereof the following: "including waybills, books, accounts and documents,".

Amendment adopted.

Also:

On page 45, Section 55, subsection *b* of the printed bill, strike out all of line 9 and insert in lieu thereof the following: "the county, or city and county, in which the proceeding is pend-".

Amendment adopted.

Also:

On page 45, Section 55, subsection *b*, line 19 of the printed bill, after the word "testify" insert the following: "or produce said papers".

Amendment adopted.

Also:

On page 45, Section 55, subsection *b*, line 25 of the printed bill, strike out the words "responded to said subpoena" and in lieu thereof the following: "attended and testified or produced said papers before the commission".

Amendment adopted.

Also:

On page 46, Section 56 of the printed bill, after the period following the figures "56" insert the following "(a)".

Amendment adopted.

Also:

On page 46, Section 56 of the printed bill, add a new paragraph as follows: "(b) Every order, authorization or certificate issued or approved by the commission under any provision of Sections 38, 39, 40, 41, 43, 50, 51 or 52 of this Act shall be in

writing and entered on the records of the commission. Any such order, authorization or certificate, or a copy thereof, or a copy of the record of any such order, authorization or certificate, certified by a commissioner or by the secretary under the official seal of the commission to be a true copy of the original order, authorization, certificate or entry, may be recorded in the office of the recorder of any county, or city and county, in which is located the principal place of business of any public utility affected thereby, or in which is situated any property of any such public utility, and such record shall impart notice of its provisions to all persons. A certificate under the seal of the commission that any such order, authorization or certificate has not been modified, stayed, suspended or revoked may also be recorded in the same offices in the same manner and with like effect."

Amendment adopted.

Also:

On page 47, Section 57, line 14 of the printed bill, after the word "thereof" insert the following: "up to one million dollars, and fifty cents for each one thousand dollars over one million dollars and up to ten million dollars, and twenty-five cents for each one thousand dollars over ten million dollars, with a minimum fee in any case of two hundred and fifty dollars".

Amendment adopted.

Also:

On page 47, Section 57, line 17 of the printed bill, after the word "indebtedness", insert the following: "up to the amount of the issue guaranteed, taken over, refunded, discharged or retired".

Amendment adopted.

Also:

On page 47, Section 57, line 25 of the printed bill, after the second word "of", strike out the remainder of the line and all of line 26 and insert in lieu thereof the following: "a fund to be known as the 'Railroad Commission Fund' which fund is hereby created."

Amendment adopted.

Also:

On page 47, Section 58, line 10 of the printed bill, strike out the words "who shall make any such demand", and insert in lieu thereof the following: "demanding such inspection".

Amendment adopted.

Also:

On page 47, Section 58, line 12 of the printed bill, after the word "inspection", strike out the period and insert in lieu thereof the following: "; and provided further, that a written record of the testimony or statement so given under oath shall be made and filed with the commission."

Amendment adopted.

Also:

On page 48, Section 59, line 6 of the printed bill, after the word "or", insert the following: ", at its option,".

Amendment adopted.

Also:

On page 48, Section 59, line 6 of the printed bill, after the word "thereof", strike out the remainder of the line and all of line 7 down to and including the comma following the word "order".

Amendment adopted.

Also:

On page 48, Section 60, line 3 of the printed bill, after the word "any", insert the following: "civic,".

Amendment adopted.

Also:

On page 48, Section 60, strike out all of lines 25 and 26 down to and including the word "complainant", and insert in lieu thereof the following: "The commission shall not be required to dismiss any complaint because of the absence of direct damage to the complainant."

Amendment adopted.

Also:

On page 48, Section 60, line 7 of the printed bill, after the word "utility", insert the following: ", including any rule, regulation or charge heretofore established or fixed by or for any public utility."

Amendment adopted.

Also:

On page 48, Section 60, line 11 of the printed bill, strike out the words "schedule of".

Amendment adopted.

Also:

On page 48, Section 60, line 17 of the printed bill, after the word "purchasers," insert the following: ", or prospective consumers or purchasers."

Amendment adopted.

Also:

On page 49, Section 60, line 33 of the printed bill, after the comma following the word "envelope", insert the following: "registered,".

Amendment adopted.

Also:

On page 49, Section 61, subsection *a*, line 1, after the word "for", strike out the remainder of the line and all of line 2 to and including the word "section", and insert in lieu thereof the following: "any hearing before the commission or a commissioner".

Amendment adopted.

Also:

On page 49, Section 61, line 24 of the printed bill, strike out the letters "sioners", and insert in lieu thereof the letters "sioner".

Amendment adopted.

Also:

On page 49, Section 61, subsection *a*, line 29 of the printed bill, after the word "exhibits", insert the following: "or copies thereof".

Amendment adopted.

Also:

On page 51, Section 63, subsection *b*, line 32 of the printed bill, insert a comma after the word "regulations".

Amendment adopted.

Also:

On page 51, Section 65, strike out all of lines 2, 3 and 4, and in lieu thereof insert the following: "and decisions of the commission which have become final shall be conclusive."

Amendment adopted.

Also:

On page 52, Section 66, line 17 of the printed bill, after the period following the word "application" strike out the remainder of the line, also all of line 18 and line 19 down to and including the word "submitted" and insert in lieu thereof the following: "Any application for a rehearing made ten days or more before the effective date of the order as to which a rehearing is sought, shall be either granted

or denied before such effective date, or the order shall stand suspended until such application is granted or denied. Any application for a rehearing made within less than ten days before the effective date of the order as to which a rehearing is sought, and not granted within twenty days, may be taken by the party making the application to be denied, unless the effective date of the order is extended for the period of the pendency of the application. If any application for a rehearing be granted without a suspension of the order involved, the commission shall forthwith proceed to hear the matter with all despatch and shall determine the same within twenty days after final submission, and if such determination is not made within said time, it may be taken by any party to the rehearing that the order involved is affirmed."

Amendment adopted.

Also:

On page 53, Section 67, line 36 of the printed bill, strike out the word "annual" and insert the word "annul".

Amendment adopted.

Also:

On page 54, Section 68, subsection b, line 4 of the printed bill, insert a comma after the word "suspended".

Amendment adopted.

Also:

On page 54, Section 68, subsection c, line 1 of the printed bill, strike out the word "staid" and insert the word "stayed".

Amendment adopted.

Also:

On page 55, Section 68, subsection d, line 27 of the printed bill, strike out all of the subsection following the period after the word "commission" and insert in lieu thereof the following: "If any such moneys shall not have been claimed by the corporations or persons entitled thereto within one year from the final decision of the Supreme Court, the commission shall cause notice to such corporations or persons to be given by publication, once a week for two successive weeks, in a newspaper of general circulation, printed and published in the city and county of San Francisco, and such other newspaper or newspapers as may be designated by the commission, said notice to state the names of the corporations or persons entitled to such moneys and the amount due each corporation or person. All moneys not claimed within three months after the publication of said notice shall be paid by the public utility, under the direction of the commission, into the state treasury for the benefit of the General Fund."

Amendment adopted.

Also:

On page 56, Section 70, line 6 of the printed bill, insert a comma after the word "had".

Amendment adopted.

Also:

On page 56, Section 70, line 29 of the printed bill, after the word "hearing" insert the following: "before the commission or any court."

Amendment adopted.

Also:

On page 57, Section 71, subsection a, line 2 of the printed bill, strike out the comma after the word "rental".

Amendment adopted.

Also:

On page 59, Section 75 of the printed bill, strike out all of line 10, line 11 and line 12 to and including the word "business", and insert in lieu thereof the following: "superior court in and for the county, or city and county in which the cause or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides".

Amendment adopted.

Also:

On page 61, Section 80, line 3 of the printed bill, strike out all of the line after the word "court" and also lines 4 and 5 and the word "business" in line 6 on page 62, and insert in lieu thereof the following: "in and for the county, or city and county, in which the cause or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides".

Amendment adopted.

Also:

On page 62, immediately preceding Section 82, strike out the following: "Article V."

Amendment adopted.

Also:

On page 63, Section 83, subsection b, line 2 of the printed bill, strike out the word "and" and insert in lieu thereof the word "or".

Amendment adopted.

Also:

On page 64, Section 85, line 4 of the printed bill, strike out the period and insert in lieu thereof the following: "except in so far as the same may be permitted under the provisions of the Constitution of the United States and the Acts of Congress".

Amendment adopted.

Also:

On page 64, Section 86, line 3 of the printed bill, after the word "act" insert the following: "and credited to the Railroad Commission Fund."

Amendment adopted.

Also:

On page 64, Section 86, line 6 of the printed bill, strike out the words "the general and insert in lieu thereof the word "said".

Amendment adopted.

Also:

In line 2 of the title in the printed bill, after the word "the" insert the following: "rights, remedies,".

Amendment adopted.

Also:

In line 7 of the title in the printed bill, strike out the words "and making an appropriation" and insert in lieu thereof the words "creating the 'Railroad Commission Fund' and appropriating the moneys therein".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

LEAVES OF ABSENCE.

Senator Estudillo was, on his own motion, granted leave of absence for this day.

Senator Finn was, on his own motion, granted leave of absence for this day.

PRINTING OF SENATE BILL NO. 9.

Senator Burnett moved that 2,500 additional copies of Senate Bill No. 9, as amended, be printed.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER.)

The following bill, etc., was introduced:

By Senator Welch: Senate Joint Resolution No. 7—Relative to the establishment of a dry dock at Hunter's Point in the bay of San Francisco.

Joint resolution referred to Committee on Federal Relations.

RECESS.

At eleven o'clock A. M., on motion of Senator Bell, the President declared the Senate at recess until two o'clock P. M., of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER.)

The following bill, etc., was introduced:

By Senator Campbell: Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of Article IV thereof, relating to senatorial and assembly districts.

Constitutional amendment referred to Committee on Apportionment and Representation.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON APPORTIONMENT AND REPRESENTATION.

SENATE CHAMBER, SACRAMENTO, December 9, 1911

MR. PRESIDENT: Your Committee on Apportionment and Representation, to whom was referred Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section six, Article IV thereof—have had the same under consideration, and respectfully report the same back with an amendment, and recommend that the same be adopted as amended.

THOMPSON, Chairman.

Senate Constitutional Amendment No. 2 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bill, etc., was introduced:

By Senator Boynton: Senate Joint Resolution No. 7—Relative to extending an invitation to the Congress of the United States relative to the inspection of the rivers and harbors of California.

SUSPENSION OF RULES.

Senator Boynton asked for, and was granted, unanimous consent that Senate Joint Resolution No. 7 be placed on file without reference to committee, and be taken up for final passage.

SENATE JOINT RESOLUTION No. 7.

Relative to extending an invitation to the Congress of the United States relative to the inspection of the rivers and harbors of California.

WHEREAS, The increasing growth of the commerce of California, and the early completion of the Panama Canal, necessitates additional improvements in the rivers and harbors of the State in aid of commerce and navigation, which improvements will result in great benefits not only to the State of California, but to the entire United States; and

WHEREAS, The State of California has in the past cooperated and is now ready to cooperate with the government of the United States in preparing for present and future necessities of commerce in said harbors and navigable water ways; and

WHEREAS, The State of California and many of its municipalities are making extensive improvements and preparation for improvements of the navigable water ways and harbors of the State; and

WHEREAS, To further such improvements and to encourage such cooperation between the State of California and its municipalities on the one part, and the United States on the other, is most desirable; and

WHEREAS, An inspection of said rivers and harbors by the Committee on Commerce of the Senate of the United States and the Committee on Rivers and Harbors of the House of Representatives would tend to greater efficiency and better results in the direction of contemplated improvements to be made to meet the present and future demands of commerce; therefore, be it

Resolved, That the Legislature of the State of California, convened in extraordinary session, does hereby invite the Congress of the United States to cause said committees of the respective houses thereof to make an inspection of the rivers and harbors of the State of California for the purposes aforesaid, and favorable action on this invitation is respectfully urged; be it further

Resolved, That our Senators and Representatives in Congress be requested to extend this invitation to the Congress of the United States in behalf of the people of the State of California, and to use their utmost endeavors to secure favorable action thereon; and be it further

Resolved, That a certified copy of these resolutions be transmitted by the Secretary of the Senate to the Senate and House of Representatives of the United States, and to each of our Senators and Representatives in Congress.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 7 adopted by the following vote:

AYES—Senators Ayer, Behan, Bell, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cullen, Gates, Hale, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Sanford, Shanahan, Strolbridge, Thompson, Walker, and Wright 24.

NOES—None

Senate Joint Resolution No. 7 considered engrossed, and ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 9, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 30—An Act approving the report of the California Débris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27th, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers.

Also: Senate Bill No. 6—An Act to amend Section 4232 of the Political Code of California, relating to the salaries and fees of officers in counties of the third class.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 30 and 6 ordered on file for third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Wright:

Resolved, That the Controller of State be, and he is hereby, directed to draw his warrant in favor of the Secretary of State in the sum of \$2.12 for the payment of a copy of the Standing Orders of the Lords and Commons relative to bills, etc., the same to be paid out of the contingent fund of the Senate; and further be it

Resolved, That the Treasurer be and he is hereby directed to pay the same.

Resolution read, and ordered referred to Committee on Contingent Expenses.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Boynton asked for, and was granted, unanimous consent to take up for consideration out of order Senate Bills Nos. 30 and 6, also Assembly Bill No. 3.

Senate Bill No. 30—An Act approving the report of the California Débris Commission, transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries, or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 30 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cutton, Gates, Hare, Hewitt, Holohan, Hurd, Regan, Roseberry, Sanford, Shanahan, Strobidge, Thompson, Walker, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 6—An Act to amend Section 4232 of the Political Code of California, relating to the salaries and fees of officers in counties of the third class.

Senate Bill No. 6 was temporarily passed on file, in the absence of the author, to retain its place.

Assembly Bill No. 3—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 20 thereof.

Read third time previously.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 3, finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cutton, Gates, Hewitt, Holohan, Hurd, Regan, Roseberry, Sanford, Shanahan, Strobidge, Thompson, Walker, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bill, etc., was introduced:

By Senator Caminetti: Senate Bill No. 46—An Act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights, or construction thereby of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

Bill read first time, and referred to Committee on Judiciary.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Walker asked for, and was granted, unanimous consent to take up Senate Bill No. 1 for consideration out of order.

Senate Bill No. 1—An Act to amend sections one, three, four, nine, ten and eleven of an Act known as "The Building and Loan Commission Act," Chapter 354, Laws of 1911, approved April 5, 1911, relating to the powers and duties of the Building and Loan Commissioner.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Boynton, Bryant, Campbell, Cassidy, Curtin, Cullen, Gates, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Sanford, Shanahan, Strobridge, Thompson, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Shanahan, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 9, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 20—An Act to amend Section 2185c of the Political Code of the State of California.

Also: Adopted Assembly Joint Resolution No. 1—Relative to petitioning Congress to appropriate one million (\$1,000,000) dollars for the improvement of Yosemite National Park.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bill No. 20 read first time and referred to Committee on Hospitals and Asylums.

Assembly Joint Resolution No. 1 referred to Committee on Federal Relations.

ADJOURNMENT.

At two o'clock and fifteen minutes P. M., on motion of Senator Bell, the President declared the Senate adjourned until Monday, December 11, 1911, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,

Monday, December 11, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—37.

Quorum present.

PRAYER.

Prayer was offered by Rev. John H. Ellis.

READING OF THE JOURNAL.

During the reading of the Journal of Saturday, December 9, 1911, the further reading was dispensed with, on motion of Senator Rush.

LEAVES OF ABSENCE.

Senator Martinelli was, on motion of Senator Juilliard, granted leave of absence for this day.

Senator Black was, on motion of Senator Thompson, granted leave of absence for this day.

APPROVAL OF JOURNALS.

The Journals of Friday, December 1, 1911, Saturday, December 2, 1911, Monday, December 4, 1911, Tuesday, December 5, 1911, Wednesday, December 6, 1911, having been corrected, were read, and, on motion of Senator Estudillo, were approved.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 11, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said Board on request, requiring said Board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said Board to expend in carrying out the requirements of this Act a sum not to exceed fifteen thousand dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled, "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an Industrial Accident Board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911."

Also: Senate Bill No. 16—An Act to amend section eleven hundred and six of the Political Code of the State of California, relating to cancellation of names entered in the great register.

Also: Senate Bill No. 33—An Act to amend Section 4 of an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of

voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act" (approved March 20, 1903).

And report that the same have been correctly reengrossed.

CASSIDY, Chairman.

Senate Bills Nos. 11, 16 and 33 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 11, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 31—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness and the distribution of their property," approved February 10th, 1903, and amended March 3d, 1909, by adding a new section thereto to be numbered Section 24.

Also: Senate Bill No. 4—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149c and 4149f, providing for the appointment of a registrar of voters, prescribing his duties and fixing his term of office.

Also: Senate Bill No. 39—An Act to amend an Act entitled "An Act to regulate and control the sale, rental and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the places of use," approved March 12th, 1885, as amended March 2d, 1897, as amended February 28th, 1901, by amending section ten of said Act.

Also: Senate Joint Resolution No. 1—A resolution requesting the Congress of the United States to cede Yosemite Valley, and the watershed surrounding the same, to the State of California.

Also: Senate Bill No. 3—An Act to amend Section 1280 of the Political Code of the State of California, relating to the official canvass of election returns.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 31, 4, 39 and 3 ordered on file for third reading.

Senate Joint Resolution No. 1 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Estudillo: Senate Bill No. 47—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read first time, and referred to Committee on Irrigation.

By Senator Caminetti: Senate Bill No. 48—An Act regulating and limiting the appropriation of water and the use of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water or the use of water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for water or the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for longer period than forty years; limiting the right to water or the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood water for generating electricity or

electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water or the use of water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for water or the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state water commission; providing the powers and duties of said water commission and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said water commission; providing for the appointment and compensation of employees and assistants to said water commission; limiting the expenses of said water commission and providing for the payment thereof; making an appropriation to carry out the provisions of this Act; fixing the place of business of said water commission; declaring the diversions of water or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control; providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of

employment and business in said board of directors, limiting the expenses of said board of directors and providing for the payment thereof, fixing the time of meeting of said board of directors, limiting the business to be at any one meeting, the quorum, majority or minority or other power otherwise than provided in this Act, to do a stockholders and providing a penalty therefor, and also providing penalties for other violations of this Act, providing all facts and parts of facts in conflict with this Act. (Approved April 26, 1911.)

Bill read and twice, and referred to Committee on Legislation.

RESOLUTIONS TO AMEND THE CHARTER GRANTED TO SEVERAL MILLS.

SENATE BILL No. 12—An Act to amend certain charters granted and to all the Millwrights of the State of California, relating to amendments of charters submitted to the State Legislature.

Read twice, then passed.

The Assembly taking on the message of the bill.

The bill was read, and Senate Bill No. 12 passed by the following vote:

*Yeas—Kearney, Jones, Zell, Ross, Howell, Ferguson, Burton, Cassano, Burton, Nelson, Hamilton, Hall, Jones, Ross, Zell, Hamilton, Ford, Ireland, Jackson, Nelson, Ross, Burton, Hamilton, Howell, Ward, Ward, and Ward—25.
Nays—None.*

This read and approved.

Bill referred transmitted to the Assembly.

SENATE BILL No. 13—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain industrial information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report on the interests and authorizing it to give testimony to the courts of the State, and investigating and recommending said board to accept or rejecting and the requirements of this Act a new act to amend certain charters granting the Millwrights of all the Mills of California, appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the permanent injury of employees, establishing an industrial accident board, creating an appropriate tribunal, defining its powers and providing for a period of its service. (Approved April 8, 1911.)"

Senate Bill No. 13 was temporarily passed on the 11th instance of its return to Senate in June.

SENATE BILL No. 14—An Act to amend a number of charters and resolutions in the State of California, to regulate weights and measures and weights and measuring instruments and devices and providing for the correction and sealing thereof, to prevent the use and sale of false weights and measures and weights and measuring instruments and devices, providing for the correction, maintenance and weights of such instruments, scales, packages and measures of capacity, and also for the sale or to license of persons, to prevent the use of goods made and manufactured by false weights and measures, to provide penalties for the violation of the provisions of this Act, for the detection or evidence of same of any such violation of weights and measures, providing for the payment of officers to enforce and carry into

effect the provisions of this Act including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this Act into effect.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Welch moved to refer to Senator Stetson as a special committee of one, to amend as follows:

By striking out of Section 7, line 3, all after the word "measure," down to and including the word "inch," on line 12, and insert in lieu thereof the following: "one set of standard avoirdupois weights, comprising one each of the following weights, to wit: one, two and four pounds, and one quarter, one half, one, two, four and eight ounces, respectively; one set of standard troy weights, comprising one each of the following weights: one half, one, two, four, eight and twelve ounces, and one, two, three, four and five pennyweights; and one tenth, two tenths, five tenths, and one, two, five and ten grains, respectively; one set of standard liquid capacity measures, consisting of one gallon, one half gallon, one quart, one pint, one half pint, and gill measure, respectively; one set of forty standard fifty-pound test weights; one set of grip weights, to wit: five, ten, twenty and twenty-five pounds, respectively,".

Also: In Section 17, line 1, after the word "body," insert the following: "of any county, or city and county, or".

Also: By striking out of Section 17, line 4, after the word "deputies", the words: "and fix their compensation".

Also: In Section 17, line 8, after the word "such," insert the words: "county or city and county or".

Also: Add at the end of Section 17 the words: "In counties of the second class the sealer shall receive as compensation the sum of twenty-four hundred dollars per year and shall be allowed four deputies, who shall receive as compensation the sum of eighteen hundred dollars per annum, each payable in the same manner as the salaries of other county officers are paid."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 11, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 2, with instructions to amend, respectfully reports the same back, amended as per instructions.

STETSON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Welch, the Secretary was directed to issue a rush order for printing Senate Bill No. 2.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 33—An Act to amend Section 4 of an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such elections; and providing for the punishment of all violations of the provisions of this Act" (approved March 20, 1903).

Read third time previously.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 33 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsell, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 4—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149c and 4149f, providing for the appointment of a registrar of voters, prescribing his duties, and fixing his term of office.

On motion of Senator Stetson, Senate Bill No. 4 was ordered re-referred to Committee on County Government.

SUSPENSION OF RULES.

Senator Juilliard moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion carried.

THIRD READING OF SENATE BILLS—(RESUMED).

SENATE JOINT RESOLUTION NO. 1.

A resolution requesting the Congress of the United States to cede Yosemite Valley, and the watershed surrounding the same, to the State of California.

WHEREAS, The United States did on the 30th day of June, 1864, by an Act of Congress, cede to the State of California the cleft or gorge of land in Mariposa County known as Yosemite Valley "in trust for public use, resort and recreation"; and

WHEREAS, The State of California by legislative Act passed April 2, 1866, accepted said trust, and thereafter to March 3d, 1905, did properly and adequately care for and manage said Yosemite Valley in accordance with said trust; and

WHEREAS, On said 3d of March, 1905, by a legislative Act, the State of California did recede said Yosemite Valley to the United States and so did, by reason of the fact that on October 1st, 1890, Congress by an Act created Yosemite National Park, which embraced a territory of 1,512 square miles surrounding said Yosemite Valley on all sides, and it was believed that by reason thereof it was for the best interest of the future care and management of Yosemite Valley that it be receded to the United States, and it was confidently asserted by Senators and members of the Assembly that large and liberal appropriations would be thereafter made by Congress of the United States for the support and maintenance of said Yosemite Valley; and

WHEREAS, Said Yosemite Valley has been in possession and control of the United States for more than six years, and that Congress has not in any one year appropriated sufficient money for the support and maintenance of said Yosemite Valley or to place said valley in such condition by providing adequate hotel accommodation, the construction of good roads, trails and bridges therein and the clearing of undergrowth as natural beauty and grandeur of said valley deserves; and

WHEREAS, There is urgent need of the erection of a large hotel in said valley, the construction of suitable roads therein, the widening of the trails leading from the floor of the valley to the various points therein, and the clearing the dead underbrush therein and otherwise making said valley a place of resort and recreation; and it is believed that adequate appropriations of money therefor ought to be appropriated by the United States; now, therefore, be it

Resolved by the Senate and Assembly of California, jointly. That the Congress of the United States be, and it is hereby, requested to appropriate one million of dollars, to be expended in said Yosemite Valley during the next four years, making two hundred and fifty thousand dollars available each year of said four years for the purposes hereinbefore stated, and that if Congress does not so do and make different and adequate appropriation to be expended in said valley as herein requested, then the said Congress is hereby requested to cede to the State of California the said Yosemite Valley and the natural watershed surrounding the same, upon the trusts that the State of California will by legislative act, forever maintain said

tract as a place of resort and recreation for all time; that it will hold unalienable, for all time, the title to all the land and water therein, and will preserve from destruction the timber, mineral deposits, natural wonders and curiosities therein, and that by a board of trustees to be provided for in such Act, it will provide for the proper care and management of the same and make suitable appropriations therefor; be it further

Resolved, That the Secretary of the Senate forward a copy of these resolutions to each of our Senators and Representatives in Congress.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 1 adopted by the following vote:

AYES—Senators Beban, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Finn, Hans, Hare, Hewitt, Holohan, Juilliard, Larkins, Regan, Sanford, Stetson, Strobridge, Tyrrell, Walker, Welch, Wolfe, and Wright—27.

NOES—Senators Avey, Bell, Cutten, Estudillo, Gates, Hurd, Roseberry, Rush, Shanahan, and Thompson—10.

Title read and approved.

Senate Joint Resolution No. 1 ordered engrossed and transmitted to the Assembly.

Senate Bill No. 6—An Act to amend Section 4232 of the Political Code of California, relating to the salaries and fees of officers in counties of the third class.

On motion of Senator Tyrrell, Senate Bill No. 6 ordered re-referred to Committee on Irrigation.

Senate Bill No. 3—An Act to amend Section 1280 of the Political Code of the State of California, relating to the official canvass of election returns.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 3 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 39—An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for conveyance of such water to the place of use."

Read third time.

On motion of Senator Hurd, Senate Bill No. 39 ordered re-referred to Committee on Judiciary.

Senate Bill No. 31—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness and the distribution of their property," approved February 10th, 1903, and amended March 3d, 1909, by adding a new section thereto to be numbered Section 24.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 31 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books.

On motion of Senator Shanahan, Senate Constitutional Amendment No. 1 was temporarily passed on file, to retain its place.

SENATE CONSTITUTIONAL AMENDMENT NO. 2.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section six, article four thereof.

The Legislature of the State of California, at an extraordinary session commencing on the 27th day of November, A. D. nineteen hundred and eleven, two thirds of all the members elected to each of the houses voting in favor thereof, hereby proposes an amendment to the Constitution of the State of California, by amending section six, of article four thereof.

SECTION 1. Section 6 of Article 4 of the Constitution is hereby amended to read as follows:

Section 6. For the purpose of choosing members of the Legislature, the State shall be divided into forty senatorial and as many assembly districts as there are counties, cities and counties and senatorial districts in the State, excepting for the consolidating of the counties of Alpine and Mono into one assembly district. The senatorial districts shall be numbered from one to forty, inclusive, in numerical order commencing at the northern boundary of the State and ending at the southern boundary thereof, and each senatorial district so formed shall choose one Senator. Each county, and city and county in the State, excepting the county of Alpine, which shall be joined to the county of Mono to form an assembly district, shall form an assembly district and each assembly district so formed shall choose one member of the Assembly. In addition to the assembly districts so formed out of the counties, and cities and counties of the State, there shall be forty assembly districts which shall correspond to and be of the same territory and population as that embraced within the forty senatorial districts of the State, and each of these districts so formed shall choose one member of the Assembly. Such assembly districts shall be numbered from one to forty, each of which assembly districts shall have the same number as that borne by the senatorial district in which it is located. The assembly districts which are formed by the counties, and cities and counties of the State, shall be numbered from north to south and shall begin with number forty-one; *provided*, that the total number of assembly districts shall be one less than the number of senatorial districts in the State, plus the total number of counties, and cities and counties thereof. In the formation of such senatorial and assembly districts, no county, or city and county, shall be divided unless it contains sufficient population within itself to form two or more districts, nor shall a part of any county, or any city and county, be united with any other county, or city or county, in forming any district. The census taken under the direction of the United States in the year one thousand nine hundred and ten, and every ten years thereafter shall be the basis of fixing and adjusting the senatorial districts, but in making such adjustments no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, senators shall be elected by the districts according to the apportionment now provided for by law; *and provided, further*, that the term of office of members of the Assembly elected in the year one thousand nine hundred and twelve shall not be affected by the provisions of this section.

The following amendment was submitted by committee:

On page 2, Section 1, line 48, strike out the word "twelve" and insert in lieu thereof the following: "eighteen, and prior thereto."

Amendment adopted.

Senate constitutional amendment ordered to print, engrossment, and on file.

Senate Bill No. 26—An Act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and for providing a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller.

On motion of Senator Curtin, Senate Bill No. 26 was temporarily passed on file, to retain its place.

Senate Joint Resolution No. 3—Relative to restricting Japanese and other Asiatic immigration.

On motion of Senator Sanford, Senate Joint Resolution No. 3 was temporarily passed on file, to retain its place.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 29—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Cartwright as a special committee of one, to amend as follows:

On page 3, Section 4, line 15, after the comma following the word "funds," add the following: "and providing for the deposit of such bonds as security for public moneys,".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 11, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 29, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTWRIGHT, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print, and on file.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, December 11, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 22—An Act defining certain classes of contracts for the exchange of indem-

nity, prescribing regulations therefor and fixing a license fee—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

ROSEBERRY, Chairman.

Senate Bill No. 22 ordered on file for second reading.

RECESS.

At twelve o'clock and thirty minutes P. M., on motion of Senator Bell, the President declared the Senate at recess until three o'clock P. M., of this day.

RECONVENED.

At three o'clock P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 11, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 32—An Act to amend Section 1094 of the Political Code of the State of California, relating to the registration of voters.

Also: Senate Bill No. 12—An Act to provide for the keeping by employers of a record of injuries suffered by their employees; the reporting of such injuries to the Industrial Accident Board by employers and attending physicians; the keeping by employers and insurance companies of records of claims for injuries suffered by employees and of compromises and settlements made therefor and requiring the reporting thereof to said board; and fixing a penalty for refusal or neglect to keep such records or make such reports.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 32 and 12 ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bill, etc., was introduced:

By Senator Caminetti: Senate Joint Resolution No. 9—Relative to the continuance by the United States of the government line of steamers from eastern seaports to Colon, in the canal zone, and the extension thereof to San Francisco and other seaports on the western coast of the United States on the completion of the Panama Canal.

Senate joint resolution referred to Committee on Federal Relations.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON APPORTIONMENT AND REPRESENTATION.

SENATE CHAMBER, SACRAMENTO, December 11, 1911.

MR. PRESIDENT: Your Committee on Apportionment and Representation, to whom was referred Senate Bill No. 27—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four, of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891; and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

THOMPSON, Chairman.

Senate Bill No. 27 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Thompson asked for, and was granted, unanimous consent to take up Senate Bill No. 27 for consideration out of order, for the purpose of amendment.

Senate Bill, No. 27—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four, of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891; and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 1, Subdivision 13, strike out the entire subdivision, and insert in lieu thereof the following:

"13. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the line dividing Oakland and Brooklyn townships intersects the northeasterly boundary line of the county of Alameda: thence southwesterly along said dividing line to the northeasterly boundary line of the city of Piedmont: thence southeasterly and southerly following the northern and eastern boundary line of the city of Piedmont to the southeasterly corner thereof: thence southwest-erly along Thirteenth avenue to the center line of Fourteenth avenue: thence south-erly along the center line of Fourteenth avenue to the center line of Lincoln street: thence easterly along the center line of Lincoln or East Thirty-first street to the center line of Twenty-third avenue: thence southerly along the center line of Twenty-third avenue to the center line of Sherman street, otherwise known as the old County Road: thence easterly along said old County Road to the center line of High street: thence easterly along center line of the Foothill Road, or County Road No. 3358, to the center line of Grand, or Ninetieth avenue: thence southwesterly along said line of Ninetieth avenue, crossing East Fourteenth street to the center line of "B," or Second street: thence easterly along said "B" street to the center line of Jones, or Ninety-eighth avenue: thence southerly along center line of Jones, or Ninety-eighth avenue to the center line of County Road No. 1995: thence southerly along center line of County Road No. 1995 to the line dividing Brooklyn and Eden townships: thence westerly along said township line to the line dividing Brooklyn and Alameda townships: thence southerly and westerly along the boundary line of Alameda town-ship to the westerly boundary line of Alameda County: thence southerly along said westerly boundary line to its intersection with the northerly boundary line of Santa Clara County: thence easterly along the boundary line dividing Alameda and Santa Clara counties to a point which is the intersection of the boundary lines of the counties of Alameda, Santa Clara, Stanislaus, and San Joaquin: thence northwest-erly and northerly along the boundary line between the counties of Alameda and San Joaquin to a point where the boundary line dividing the counties of Alameda and Contra Costa intersects the westerly boundary line of the county of San Joaquin: thence in a southwesterly and northwesterly direction along the boundary line between the counties of Alameda and Contra Costa to the point of beginning, shall constitute the Thirteenth Senatorial District."

Amendment adopted.

Also:

On page 2, Section 1, Subdivision 14, strike out the entire subdivision, and insert in lieu thereof the following:

"14. All that portion of the county of Alameda described as following, to wit: Beginning at a point where the westerly boundary line of the county of Alameda is intersected by the line dividing Oakland and Alameda townships: thence easterly along said dividing line to a point in Oakland harbor where said line is intersected by the line dividing Oakland and Brooklyn townships: thence northerly along the westerly boundary line of Brooklyn township, passing through the easterly arm of Lake Merritt and up Indian Gulch to the northeasterly boundary line of East Oak-land Heights: thence southeasterly along last said boundary line to the center of Thirteenth avenue: thence northeasterly along the center line of Thirteenth avenue,

or County Road to Moraga Valley, to the center line of Fourteenth avenue; thence southerly along the center line of Fourteenth avenue to the center line of Lincoln street; thence easterly along the center line of Lincoln, or East Thirty-first street to the center line of Twenty-third avenue; thence southerly along the center line of Twenty-third avenue to the center line of Sherman street, otherwise known as the old County Road; thence easterly along said old County Road to the center line of High street; thence easterly along the center line of Foothill Road, or County Road No. 3358, to the center line of Grand or Ninetieth avenue; thence southerly along said line of Ninetieth avenue, crossing East Fourteenth street to "B," or Second street; thence easterly along said "B" street to the center line of Jones or Ninety-eighth avenue; thence southerly along the center line of Jones or Ninety-eighth avenue to the center line of County Road No. 1995; thence southerly along center line of County Road No. 1995 to the line dividing Brooklyn and Eden townships; thence westerly along said township line to the line dividing Brooklyn and Alameda townships; thence southerly and westerly along the boundary line of Alameda township to the westerly boundary line of Alameda County; thence northwesterly along the westerly county boundary line to the southerly boundary line of Oakland township and the point of beginning, shall constitute the Fourteenth Senatorial District."

Amendment adopted.

Also:

On page 2, Section 1, Subdivision 15, strike out the entire subdivision, and insert in lieu thereof the following:

"15. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the northern boundary line of the city of Berkeley intersects the northeasterly boundary line of the county of Alameda; thence westerly along said northern boundary line of the city of Berkeley to a point where the same is coincident with the center line of Eunice street; thence westerly along the center line of Eunice street to the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Adeline street; thence southerly along the center line of Adeline street to the northerly boundary line of the town of Emeryville; thence easterly, southerly and westerly following the boundary line of the town of Emeryville to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the northern boundary line of Alameda township; thence easterly along the northern boundary line of Alameda township to the westerly line of Brooklyn township, the same being a point in Oakland harbor; thence northerly along the westerly boundary line of Brooklyn township, passing through the easterly arm of Lake Merritt and up Indian Gulch to the northeasterly boundary line of East Oakland Heights; thence southeasterly along last said boundary line to the center line of Thirteenth avenue; thence northeasterly along the center line of Thirteenth avenue, or the County Road to Moraga Valley, to the southeastern corner of the city of Piedmont; thence northerly and westerly following the easterly and northerly boundary lines of the city of Piedmont to the line dividing Brooklyn and Oakland townships; thence northeasterly along the last said township line to the boundary line of Alameda County; thence northwesterly along the county boundary line to the point of beginning, shall constitute the Fifteenth Senatorial District."

Amendment adopted.

Also:

On page 2, Section 1, Subdivision 16, strike out the entire subdivision, and insert in lieu thereof the following:

"16. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the northern boundary line of the city of Berkeley intersects the northeasterly boundary line of the county of Alameda; thence westerly along said northern boundary line of the city of Berkeley to a point where the same is coincident with the center line of Eunice street; thence westerly along the center line of Eunice street to the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Adeline street; thence southerly along the center line of Adeline street to the northerly boundary line of the town of Emeryville; thence easterly, southerly and westerly, following the boundary line of the town of Emeryville to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the northern boundary line of Alameda township; thence westerly along the line dividing Alameda and Oakland townships to the western boundary line of the county of Alameda; thence northerly along the said county boundary line to the northern boundary line of the county of Alameda; thence easterly following the northern boundary line of the county of Alameda to the point of beginning, shall constitute the Sixteenth Senatorial District."

Amendment adopted.

Also:

On page 6, Section 2, Subdivision 13, strike out the entire subdivision, and insert in lieu thereof the following:

"13. All that portion of the county of Sacramento composed of that part of the city of Sacramento, lying north of the center of "K" street, west of the center of Thirty-first street, and all that portion of Sacramento County lying in the Fourth Supervisor District (as shown on the official map of 1911) with the exception of that portion of said supervisor district lying west of the lower Stockton Road, shall constitute the Thirteenth Assembly District."

Amendment adopted.

Also:

On page 6, Section 2, Subdivision 14, strike out the entire subdivision, and insert in lieu thereof the following:

"14. All that portion of the county of Sacramento, not included in the Thirteenth Assembly District, shall constitute the Fourteenth Assembly District."

Amendment adopted.

Also:

On page 7, Section 2, Subdivision 21, strike out the entire subdivision, and insert in lieu thereof the following:

"21. All that portion of the county of Alameda, lying easterly of a line described as follows: Beginning at a point where the boundary line between Eden and Alameda townships intersects the westerly boundary line of Alameda County; thence easterly and northerly along the boundary line of Alameda township to the line dividing Brooklyn and Eden townships; thence easterly along the boundary line between Eden and Brooklyn townships to the southwesterly boundary line of the town of San Leandro; thence northerly and easterly along said boundary line to the center of East Fourteenth street; thence northwesterly following along the center line of East Fourteenth street to the center line of Moss avenue, in the city of Oakland; thence northeasterly along the center line of Moss avenue and a direct extension of said center line to the northeasterly boundary line of the city of Oakland; thence following the said northeasterly boundary line of the city of Oakland in a northwesterly direction to its intersection with the northeasterly boundary line of the county of Alameda, shall constitute the Twenty-first Assembly District."

Amendment adopted.

Also:

On page 7, Section 2, Subdivision 22, strike out the entire subdivision, and insert in lieu thereof the following:

"22. All that portion of the county of Alameda, described as follows, to wit: Beginning at a point where the boundary line between Eden and Alameda townships intersects the westerly boundary line of the county of Alameda; thence in an easterly and northerly direction along the boundary line of Alameda township to the line dividing Brooklyn and Eden townships; thence in an easterly direction along the boundary line between Eden and Brooklyn townships to the southeasterly boundary line of the town of San Leandro; thence northerly and easterly following the said town line to the center line of East Fourteenth street; thence northwesterly following the center line of East Fourteenth street and an extension of the same to its intersection with the line dividing Brooklyn and Oakland townships, said point being in Lake Merritt; thence southwesterly along said township line to its intersection with the northerly boundary line of Alameda township; thence westerly following along the said northerly boundary line of Alameda township to its intersection with the westerly boundary line of Alameda County; thence southeasterly along said county boundary line to the point of beginning, shall constitute the Twenty-second Assembly District."

Amendment adopted.

Also:

On page 7, Section 2, Subdivision 23, strike out the entire subdivision, and insert in lieu thereof the following:

"23. All that portion of the county of Alameda, described as follows, to wit: Beginning at a point where the center line of Thirteenth avenue is intersected by the center line of East Fourteenth street in the city of Oakland; thence northwesterly along the center line of East Fourteenth street and an extension of said center line to a point where the same intersects the westerly boundary line of Brooklyn township, in Lake Merritt; thence northeasterly following along the boundary line between Brooklyn and Oakland townships to the southerly boundary line of the

city of Piedmont; thence easterly, northerly and westerly following the said boundary line of the city of Piedmont to the line dividing Oakland and Brooklyn townships; thence northeasterly along said dividing line between Oakland and Brooklyn townships to its intersection with the northeasterly boundary line of the city of Oakland; thence southeasterly following said city boundary line to a point where the same would be intersected by a direct extension northeasterly of the center line of Moss avenue; thence southwesterly along said extension and along the center line of Moss avenue to the center line of East Fourteenth street; thence northwesterly along the center line of East Fourteenth street to the center line of Thirteenth avenue, and the point of beginning, shall constitute the Twenty-third Assembly District."

Amendment adopted.

Also:

On page 7, Section 2, Subdivision 24, strike out the entire subdivision, and insert in lieu thereof the following:

"24. All that portion of the county of Alameda, described as follows, to wit: Beginning at a point where the center line of Broadway is intersected by the center line of Thirteenth street, in the city of Oakland; thence southeasterly along the center line of Thirteenth street and a direct extension of said center line to its intersection with the line dividing Brooklyn and Oakland townships; thence northeasterly following along the line dividing Brooklyn and Oakland townships to a point in the southerly boundary line of the city of Piedmont; thence easterly, northerly and westerly, following the southern, eastern and northern boundary line of the city of Piedmont to its intersection with the easterly boundary of the city of Oakland, as the same existed prior to the annex of 1909; thence northwesterly along the easterly boundary line of the city of Oakland, as the same existed prior to the annex of 1909, to its intersection with the center line of Broadway; thence southerly along the center line of Broadway to the center line of Fifty-first, or Vernon street; thence westerly following along the center line of Fifty-first street to the center line of Shattuck avenue; thence southerly along the center line of Shattuck avenue to the center line of Temescal Creek; thence westerly down the center of Temescal Creek to the center of Grove street; thence southerly along the center of Grove street to the center of San Pablo avenue; thence southerly along the center of San Pablo avenue to the center of Broadway; thence southerly along the center of Broadway to the center of Thirteenth street, and point of beginning, shall constitute the Twenty-fourth Assembly District."

Amendment adopted.

Also:

On page 7, Section 2, Subdivision 25, strike out the entire subdivision, and insert in lieu thereof the following:

"25. All that portion of the county of Alameda, described as follows, to wit: Beginning at a point where the center line of Adeline street is intersected by the center line of Twenty-second street in the city of Oakland; thence easterly along the center line of Twenty-second street to the center line of Grove street; thence southerly along the center line of Grove street to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the center line of Thirteenth street and a direct extension of said center line to its intersection with the line dividing Brooklyn and Oakland townships; thence southerly along the line dividing Oakland and Brooklyn townships to the line dividing Oakland and Alameda townships; thence westerly along the line dividing Oakland and Alameda townships to a point where a direct extension of the center line of Adeline street would intersect the same; thence northerly along said extension and along the center line of Adeline street to the point of beginning, shall constitute the Twenty-fifth Assembly District."

Amendment adopted.

Also:

On page 7, Section 2, Subdivision 26, strike out the entire subdivision, and insert in lieu thereof the following:

"26. All that portion of the county of Alameda, described as follows, to wit: Beginning at a point where the center line of Adeline street is intersected by the center line of Twenty-second street in the city of Oakland; thence easterly along the center line of Twenty-second street to the center line of Grove street; thence northerly along the center line of Grove street to the center of Temescal Creek; thence westerly down the center of Temescal Creek to the town of Emeryville; thence westerly and northerly following the boundary line of the town of Emeryville to the southerly boundary line of the city of Berkeley; thence westerly along the southerly boundary line of the city of Berkeley and a direct extension of the same to its intersection with the westerly boundary line of Alameda County; thence southerly along the westerly boundary line of Alameda County to its intersection with the line

dividing Oakland and Alameda townships; thence easterly along the line dividing Oakland and Alameda townships to a point where a direct extension of the center line of Adeline street would intersect the same; thence northerly along said extension and along the center line of Adeline street to the center line of Twenty-second street and the point of beginning, shall constitute the Twenty-sixth Assembly District."

Amendment adopted.

Also:

On page 7, Section 2, Subdivision 27, strike out the entire subdivision, and insert in lieu thereof the following:

"27. All that portion of the county of Alameda, described as follows, to wit: Beginning at a point where the easterly boundary line of the town of Emeryville is intersected by the southerly boundary line of the city of Berkeley; thence southerly and easterly along the boundary line of the town of Emeryville to a corner thereof, the same being in the center of Temescal Creek; thence up the center of Temescal Creek to the center of Shattuck avenue; thence northerly along the center line of Shattuck avenue to the center line of Russell street; thence westerly along the center line of Russell street to the center line of Milvia street; thence northerly along the center line of Milvia street to the center line of Codornices Creek; thence westerly down the center of Codornices creek to the easterly boundary line of the town of Albany; thence northerly along the easterly boundary line of the town of Albany to the northern boundary of the county of Alameda; thence westerly and southerly along the northern and western boundary line of the county of Alameda to a point where said boundary line would be intersected by a direct extension westerly of the southerly boundary line of the city of Berkeley; thence easterly along said extension and along the southerly boundary line of the city of Berkeley to the point of beginning, shall constitute the Twenty-seventh Assembly District."

Amendment adopted.

Also:

On page 7, Section 2, Subdivision 28, strike out the entire subdivision, and insert in lieu thereof the following:

"28. All that portion of the county of Alameda, described as follows, to wit: Beginning at a point where the center line of Shattuck avenue is intersected by the center line of Fifty-first, or Vernon street, in the city of Oakland; thence easterly along the center line of Fifty-first, or Vernon street, to the center line of Broadway; thence northeasterly along the center line of Broadway to its intersection with the northeasterly boundary line of the city of Oakland, as the same existed prior to the annex of 1909; thence southeasterly along said boundary line of the city of Oakland, as the same existed prior to the annex of 1909, to its intersection with the northerly boundary line of the city of Piedmont; thence easterly following the northern boundary line of the city of Piedmont to its intersection with the boundary line dividing Brooklyn and Oakland townships; thence northeasterly along the line dividing Brooklyn and Oakland townships to its intersection with the northeasterly boundary line of Alameda county; thence northwesterly and westerly following along the county boundary line to its intersection with the easterly boundary line of the town of Albany; thence southerly along the easterly boundary line of the town of Albany to its intersection with the center of Codornices Creek; thence easterly up the center of Codornices Creek to its intersection with the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Russell street; thence easterly along the center line of Russell street to the center line of Shattuck avenue; thence southerly along the center line of Shattuck avenue to the center line of Fifty-first or Vernon street and the point of beginning, shall constitute the Twenty-eighth Assembly District."

Amendment adopted.

Also:

On page 19, Section 2, Subdivision 71, line 4, strike out the words "Moneta, Howard."

Amendment adopted.

Also:

On page 13, Section 2, Subdivision 59, line 5, after the comma following the word "Del Rey", insert the following: "Moneta, Howard."

Amendment adopted.

Also:

On page 17, Section 2, Subdivision 66, line 4, strike out the word "nine."

Amendment adopted.

Also:

On page 13, Section 2, Subdivision 58, line 10, strike out the words "and eight," and insert in lieu thereof the following: ", eight and nine,".

Amendment adopted.

Also:

On page 17, Section 2, Subdivision 66, lines 12 and 13, strike out the words "south of the center line of North Broadway," and insert in lieu thereof, the following: "east of the center line of Daly street,".

Amendment adopted.

Also:

On page 13, Section 2, Subdivision 58, line 16, strike out the words "north of the center line of North Broadway," and insert in lieu thereof the following: "west of the center line of Daly street,".

Amendment adopted.

Also:

On page 17, Section 2, Subdivision 65, line 19, strike out the words "and the precinct of Vernon City,".

Amendment adopted.

Also:

On page 17, Section 2, Subdivision 65, line 16, after the word "avenue" strike out the comma and insert in lieu thereof the following: "and".

Amendment adopted.

Also:

On page 18, Section 2, Subdivision 69, line 9, after the comma following the words "Fruitland" insert the following: "Vernon City,".

Amendment adopted.

Also:

On page 19, Section 2, Subdivision 71, line 15, strike out the words "two hundred twelve,".

Amendment adopted.

Also:

On page 20, Section 2, Subdivision 73, line 7, after the comma following the words "two hundred ten," insert the following words: "two hundred twelve,".

Amendment adopted.

Also:

On page 18, Section 2, Subdivision 68, line 7, strike out the word "Duarte,".

Amendment adopted.

Also:

On page 18, Section 2, Subdivision 69, line 4, after the comma following the word "three" insert the word "Duarte,".

Amendment adopted.

Also:

On page 15, Section 2, Subdivision 62, after the word "of," at the end of line 12, insert the following: "precinct number fifty-five, lying south of".

Amendment adopted.

Also:

On page 16, Section 2, Subdivision 64, after the word "assembly," at the end of line 28, insert the word "district."

Amendment adopted.

Also:

On page 17, Section 2, Subdivision 66, line 15, strike out the word "and" and insert in lieu thereof the following: "also that part of said precinct lying".

Amendment adopted.

Also:

On page 3, Section 1, Subdivision 18, lines 1 to 6, strike out the entire subdivision and insert in lieu thereof the following:

"18. All that portion of the city and county of San Francisco described as follows: Commencing at the point of intersection of Van Ness avenue and Market street, continuing thence along the center of the following named streets, to wit: Market to the waters of the bay of San Francisco; thence along the shore line northerly to Filbert street, Filbert to Leavenworth, Leavenworth to Broadway, Broadway to Van Ness avenue, Van Ness avenue to Market street, the place of beginning, together with all the waters of the bay of San Francisco and the islands contained therein, situated within the boundaries of the city and county of San Francisco, shall constitute the Eighteenth Senatorial District."

Amendment adopted.

Also:

On page 3, Section 1, Subdivision 19, lines 1 to 6, strike out the entire subdivision and insert in lieu thereof the following:

"19. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Maple and California streets, continuing thence along the center of the following named streets: California to Baker, Baker to Pine, Pine to Laguna, Laguna to Sutter, Sutter street to Van Ness avenue, Van Ness avenue to Broadway, Broadway to Leavenworth, Leavenworth to Filbert, Filbert to the waters of the bay of San Francisco, thence along the shore line of said bay northerly and westerly to the waters of the Pacific Ocean; thence along said shore line to Lobos Creek where the same enters into the Pacific Ocean; thence along the line of said creek and the southerly boundary line of the Presidio Reservation to Maple street, Maple to California, the place of beginning, shall constitute the Nineteenth Senatorial District."

Amendment adopted.

Also:

On page 3, Section 1, Subdivision 20, lines 1 to 6, strike out the entire subdivision and insert in lieu thereof the following:

"20. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Pine and Laguna streets, continuing thence along the center of the following named streets, Laguna to O'Farrell, O'Farrell street to St. Joseph avenue, St. Joseph avenue to Turk, Turk to Baker, Baker to Haight, Haight street to Central avenue, Central avenue to Buena Vista avenue, Buena Vista avenue to Frederick street, Frederick to Clayton, Clayton street to Clarendon avenue, Clarendon avenue to Burnett avenue, Burnett avenue to Palo Alto avenue, Palo Alto avenue to the easterly line of San Miguel Rancho; thence along said line northerly to a point opposite Seventeenth street; thence along said line of Seventeenth street if extended to Kirkham street, Kirkham street to Locksley avenue, Locksley avenue to the westerly line of San Miguel Rancho; thence along said line to Corbett avenue and Sloat boulevard; thence along said line of the Sloat boulevard to the waters of the Pacific Ocean; thence along the shore line northerly and easterly of said ocean to Lobos Creek; thence along the line of said creek and the southerly boundary line of the Presidio Reservation to Maple street, Maple to California, California to Baker, Baker to Pine, Pine to Laguna, the place of beginning, together with the islands known as the Farallon Islands, shall constitute the Twentieth Senatorial District."

Amendment adopted.

Also:

On page 3, Section 1, Subdivision 21, lines 1 to 6, strike out the entire subdivision, and insert in lieu thereof the following:

"21. All that portion of the city and county of San Francisco embraced within and comprising the Thirty-third and Thirty-fourth Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Twenty-first Senatorial District."

Amendment adopted.

Also:

On page 3, Section 1, Subdivision 22, lines 1 to 6, strike out the entire subdivision, and insert in lieu thereof the following:

"22. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Twenty-first street and Bryant avenue, continuing thence along the center of the following named streets: Bryant avenue

to Eleventh street. Eleventh to Market, Market street to Van Ness avenue, Van Ness avenue to Sutter street, Sutter street to Laguna, Laguna to O'Farrell, O'Farrell street to St. Joseph avenue, St. Joseph avenue to Turk street, Turk to Baker, Baker to Oak, Oak to Fillmore, Fillmore to Duboce avenue, Duboce avenue to Church, Church to Eighteenth, Eighteenth to Dolores, Dolores to Twenty-first, Twenty-first street to Bryant avenue, the place of beginning, shall constitute the Twenty-second Senatorial District."

Amendment adopted.

Also:

On page 3, Section 1, Subdivision 23, lines 1 to 6, strike out the entire subdivision, and insert in lieu thereof the following:

"23. All that portion of the city and county of San Francisco embraced within and comprising the Twenty-ninth and Thirtieth Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Twenty-third Senatorial District."

Amendment adopted.

Also:

On page 3, Section 1, Subdivision 24, lines 1 to 6, strike out the entire subdivision, and insert in lieu thereof the following:

"24. All that portion of the city and county of San Francisco embraced within and comprising the Thirty-first and Thirty-second Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Twenty-fourth Senatorial District."

Amendment adopted.

Also:

On page 7, Section 2, Subdivision 29, lines 1 to 9, strike out the entire subdivision, and insert in lieu thereof the following:

"29. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection where the center line of Market street intersects the bay of San Francisco, continuing thence along the center line of the following named streets, to wit: Market to Eleventh, Eleventh to Bryant avenue, Bryant avenue to Eighteenth, Eighteenth to the waters of the bay of San Francisco; thence along the shore line to Market street, the place of beginning, shall constitute the Twenty-ninth Assembly District."

Amendment adopted.

Also:

On pages 7 and 8, Section 2, Subdivision 30, lines 1 to 15, strike out the entire subdivision, and insert in lieu thereof the following:

"30. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Eighteenth street and Bryant avenue, continuing thence along the center line of the following named streets, to wit: Bryant avenue to Twenty-first street, Twenty-first street to Potrero avenue, Potrero avenue to Twenty-second street, Twenty-second to Vermont, Vermont to Army, Army street to San Bruno avenue, San Bruno avenue to the boundary line dividing the counties of San Francisco and San Mateo; thence along said boundary line to the intersection of the waters of the bay of San Francisco; thence along the shore line of said bay northerly to Eighteenth; thence along Eighteenth street to Bryant avenue, the place of beginning, shall constitute the Thirtieth Assembly District."

Amendment adopted.

Also:

On page 8, Section 2, Subdivision 31, lines 1 to 8, strike out the entire subdivision, and insert in lieu thereof the following:

"31. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Dolores and Twenty-ninth streets, continuing thence along the center line of the following named streets: Twenty-ninth to Mission, Mission to Army, Army to Andrew, Andrew street to San Bruno avenue, San Bruno avenue to the boundary line dividing the counties of San Francisco and San Mateo; thence along said boundary line westerly to San Jose avenue, San Jose avenue to Dolores street, Dolores street to Twenty-ninth street, the place of beginning, shall constitute the Thirty-first Assembly District."

Amendment adopted.

Also:

On page 8, Section 2, Subdivision 32, lines 1 to 10, strike out the entire subdivision, and insert in lieu thereof the following:

"32. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Twenty-fourth and Dolores streets, continuing thence along the center line of the following named streets: Dolores street to San Jose avenue, San Jose avenue to the boundary line dividing the counties of San Francisco and San Mateo; thence along said boundary line westerly to the intersection of the waters of the Pacific Ocean; thence along the shore line of said ocean, northerly to the Sloat boulevard; thence along Sloat boulevard to Corbett avenue, Corbett avenue to Burnett avenue, Burnett avenue to Dixie alley, Dixie alley to Grand View avenue, Grand View avenue to Twenty-second street, Twenty-second to Sanchez, Sanchez to Twenty-fourth, Twenty-fourth to Dolores street, the place of beginning, shall constitute the Thirty-second Assembly District."

Amendment adopted.

Also:

On pages 8 and 9, Section 2, Subdivision 33, lines 1 to 17, strike out the entire subdivision, and insert in lieu thereof the following:

"33. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Twenty-second and Vermont streets, continuing thence along the center line of the following named streets: Vermont to Army, Army street to San Bruno avenue, San Bruno avenue to Andrew street, Andrew to Army, Army to Mission, Mission to Twenty-ninth, Twenty-ninth to Dolores, Dolores to Twenty-fourth, Twenty-fourth to Sanchez, Sanchez to Twenty-first, Twenty-first street to Potrero avenue, Potrero avenue to Twenty-second street, Twenty-second to Vermont street, the place of beginning, shall constitute the Thirty-third Assembly District."

Amendment adopted.

Also:

On page 9, Section 2, Subdivision 34, lines 1 to 16, strike out the entire subdivision, and insert in lieu thereof the following:

"34. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Oak and Fillmore streets, continuing thence along the center of the following named streets: Fillmore street to Duboce avenue, Duboce avenue to Church, Church to Eighteenth, Eighteenth to Dolores, Dolores to Twenty-first, Twenty-first to Sanchez, Sanchez to Twenty-second, Twenty-second street to Grand View avenue, Grand View avenue to Dixie alley, Dixie alley to Burnett avenue, Burnett avenue to Corbett avenue, Corbett avenue to the westerly boundary line of the San Miguel Rancho; thence along the line of said San Miguel Rancho northeasterly to Locksley avenue, Locksley avenue to Kirkham street; thence along the line of Kirkham if extended, easterly, to point opposite Seventeenth street; thence southerly to Palo Alto avenue, Palo Alto avenue to Burnett avenue, Burnett avenue to Clarendon avenue, Clarendon avenue to Clayton, Clayton to Frederick street, Frederick street to Buena Vista avenue, Buena Vista avenue to Central avenue, Central avenue to Haight street, Haight street to Baker, Baker to Oak, Oak to Fillmore, the place of beginning, shall constitute the Thirty-fourth Assembly District."

Amendment adopted.

Also:

On pages 9 and 10, Section 2, Subdivision 35, lines 1 to 11, strike out the entire subdivision, and insert in lieu thereof the following:

"35. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Turk and Baker streets, continuing thence along the center of the following named streets: Baker to Haight, Haight street to Central avenue, Central avenue to Buena Vista avenue, Buena Vista avenue to Frederick street, Frederick to Clayton, Clayton street to Clarendon avenue, Clarendon avenue to Burnett avenue, Burnett avenue to Palo Alto avenue, Palo Alto avenue to the easterly boundary line of San Miguel Rancho; thence along said line northerly to a point opposite Seventeenth street; thence westerly along Seventeenth street if extended, to Kirkham street, Kirkham street to Locksley avenue, Locksley avenue to the westerly line of San Miguel Rancho; thence along said line to the Sloat boulevard, Sloat boulevard to the intersection of the waters of the Pacific Ocean; thence along said shore line northerly to Fulton street, Fulton street to Masonic avenue, Masonic avenue to Turk street, Turk to Baker street, the place of beginning, shall constitute the Thirty-fifth Assembly District."

Amendment adopted.

Also:

On page 10, Section 2, Subdivision 36, lines 1 to 7, strike out the entire subdivision, and insert in lieu thereof the following:

"36. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Fulton street and Masonic avenue; thence continuing along the center of the following named streets: Masonic avenue to Turk street, Turk street to St. Joseph avenue, St. Joseph avenue to Geary street, Geary to Baker, Baker to California, California to Laurel, Laurel street to the southerly boundary line of the Presidio Reservation; thence along said boundary line westerly to Lobos Creek; thence along the line of said creek to where it empties into the waters of the Pacific Ocean; thence along the ocean shore line of Pacific Ocean westerly and southerly to Fulton street, Fulton street to Masonic avenue, the place of beginning, together with the islands known as the Farallon Islands, shall constitute the Thirty-sixth Assembly District."

Amendment adopted.

Also:

On page 10, Section 2, Subdivision 37, lines 1 to 16, strike out the entire subdivision, and insert in lieu thereof the following:

"37. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Twenty-first street and Bryant avenue, continuing thence along the center of the following named streets: Bryant avenue to Eleventh street, Eleventh street to Market street, Market to Oak, Oak to Fillmore, Fillmore street to Duboce avenue, Duboce avenue to Church, Church to Eighteenth, Eighteenth to Dolores, Dolores to Twenty-first, Twenty-first to Bryant avenue, the place of beginning, shall constitute the Thirty-seventh Assembly District."

Amendment adopted.

Also:

On page 10, Section 2, Subdivision 38, lines 1 to 13, strike out the entire subdivision, and insert in lieu thereof the following:

"38. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Ellis street and Van Ness avenue, continuing thence along the center line of the following named streets: Van Ness avenue to Oak street, Oak to Baker, Baker to Turk, Turk street to St. Joseph avenue, St. Joseph avenue to Ellis street, Ellis street to Van Ness avenue, the place of beginning, shall constitute the Thirty-eighth Assembly District."

Amendment adopted.

Also:

On page 11, Section 2, Subdivision 39, lines 1 to 9, strike out the entire subdivision, and insert in lieu thereof the following:

"39. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Washington street and Van Ness avenue, continuing thence along the center line of the following named streets: Van Ness avenue to Ellis street, Ellis street to St. Joseph avenue, St. Joseph avenue to Geary street, Geary to Baker, Baker to Washington, Washington street to Van Ness avenue, the place of beginning, shall constitute the Thirty-ninth Assembly District."

Amendment adopted.

Also:

On page 11, Section 2, Subdivision 40, lines 1 to 13, strike out the entire subdivision, and insert in lieu thereof the following:

"40. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Washington street and Van Ness avenue, continuing thence along the center line of the following named streets: Van Ness avenue to Broadway, Broadway to Hyde, Hyde to the waters of the bay of San Francisco; thence along the shore line westerly and southerly along the shore line of the Pacific Ocean to the point where Lobos Creek empties into the waters of said ocean; thence along the line of Lobos Creek to the southerly boundary line of the Presidio Reservation; thence along said boundary line to Laurel street, Laurel to California, California to Baker, Baker to Washington, Washington to Van Ness avenue, the place of beginning, shall constitute the Fortieth Assembly District."

Amendment adopted.

Also:

On page 11, Section 2, Subdivision 41, lines 1 to 9, strike out the entire subdivision, and insert in lieu thereof the following:

"41. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Market and Mason streets, continuing thence along the center line of the following named streets: Mason to the waters of the bay of San Francisco; thence along the shore line of said bay, westerly, to Hyde, Hyde to Broadway, Broadway to Van Ness avenue, Van Ness avenue to Market, Market to Mason, the place of beginning, shall constitute the Forty-first Assembly District."

Amendment adopted.

Also:

On pages 11 and 12, Section 2, Subdivision 42, lines 1 to 12, strike out the entire subdivision, and insert in lieu thereof the following:

"42. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Market and Mason streets, continuing thence along the center line of the following named streets: Mason to the waters of the bay of San Francisco; thence easterly along the shore line of said bay to Market street, Market street to Mason street, the place of beginning, together with all the waters of the bay of San Francisco and the islands contained therein situated within the boundaries of the county of San Francisco, shall constitute the Forty-second Assembly District."

Amendment adopted.

Also:

On page 6, Section 2, Subdivision 15, line 1, strike out the comma following the words "El Dorado," and the words "Alpine, and Mono," and insert in lieu thereof the following: "and Alpine".

Amendment adopted.

Also:

On page 6, Section 2, Subdivision 16, line 1, after the comma following the word "Calaveras" insert the word "Mono".

Amendment adopted.

Also:

On page 6, Section 2, Subdivision 17, line 2, strike out the word "sevententh", and insert in lieu thereof the following: "seventeenth".

Amendment adopted.

Also:

On page 13, Section 2, Subdivision 58, line 5, strike out the word "Lankersheim", and insert in lieu thereof the following: "Lankershim".

Amendment adopted.

Also:

On page 4, Section 1, Subdivision 28, lines 3, 4 and 5, strike out the words "Agnew, that part of Alameda precinct lying north of the center line of Park avenue, Alviso," and insert in lieu thereof the following: "Agnews, that part of Alameda precinct lying north of the center line of Park avenue, Alviso, Berryessa,".

Amendment adopted.

Also:

On page 12, Section 2, Subdivision 46, lines 3, 4 and 5, strike out the words "Agnew, that part of Alameda precinct lying north of the center line of Park avenue, Alviso," and insert in lieu thereof the following: "Agnews, that part of Alameda precinct lying north of the center line of Park avenue, Alviso, Berryessa."

Amendment adopted.

Also:

On page 1, Section 1, Subdivision 1, lines 1 and 2, strike out the word "Mendocino," and insert in lieu thereof the following: "Tehama".

Amendment adopted.

Also:

On page 1, Section 1, Subdivision 2, lines 1 and 2, strike out the comma following the word "Shasta", and the words "Tehama, and Glenn," and insert in lieu thereof the following: "and Lassen".

Amendment adopted.

Also:

On page 2, Section 1, Subdivision 3, line 1, strike out "Lassen."

Amendment adopted.

Also:

On page 2, Section 1, Subdivision 4, line 1, strike out the words "Colusa, Lake, and Sonoma," and insert in lieu thereof the following: "Mendocino, Colusa, Lake, and Glenn".

Amendment adopted.

Also:

On page 2, Section 1, Subdivision 8, line 1, strike out the words "counties of Kern and Kings" and insert in lieu thereof the following: "county of Sonoma".

Amendment adopted.

Also:

On page 2, Section 1, Subdivision 12, line 2, after the comma following the word "Alpine," insert the word "Madera".

Amendment adopted.

Also:

On page 2, Section 1, Subdivision 17, line 1, after the words "San Mateo," insert a comma and the words "San Benito".

Amendment adopted.

Also:

On page 4, Section 1, Subdivision 25, line 1, strike out the words "San Benito", and insert the word "Kings".

Amendment adopted.

Also:

On page 4, Section 1, Subdivision 30, line 1, strike out the words "County of San Bernardino" and insert in lieu thereof the following: "counties of San Bernardino, Inyo and Mono".

Amendment adopted.

Also:

On page 4, Section 1, Subdivision 32, line 1, strike out the words "Inyo, Tulare, Mono and Madera," and insert in lieu thereof the following: "Tulare and Kern".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Thompson, the Secretary was directed to issue a rush order for printing Senate Bill No. 27.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, December 11, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 34—An Act validating the formation and organization, and determining the boundaries of Imperial Irrigation District, in the county of Imperial, State of California—have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

STETSON, Chairman.

Senate Bill No. 34 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 11, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 39—An Act to amend an Act entitled "An Act to regulate and control the

sale, rental and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12th, 1895, as amended March 2d, 1897, as amended February 28th, 1901, by amending section ten of said Act—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the bill do not pass as amended.

STETSON, Chairman.

Senate Bill No. 39 ordered on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Burnett asked for, and was granted, unanimous consent to take up Senate Bill No. 32—An Act to amend Section 1094 of the Political Code of the State of California, relating to the registration of voters—for consideration out of order.

Read third time.

On motion of Senator Burnett, Senate Bill No. 32 was temporarily passed on file, to retain its place.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Roseberry asked for, and was granted, unanimous consent to take up Senate Bill No. 12, for consideration out of order.

Senate Bill No. 12—An Act to provide for the keeping by employers of a record of injuries suffered by their employees; the reporting of such injuries to the Industrial Accident Board by employers and attending physicians; the keeping by employers and insurance companies of records of claims for injuries suffered by employees and of compromises and settlements made therefor and requiring the reporting thereof to said board; and fixing a penalty for refusal or neglect to keep such records or make such reports.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 12 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Cassidy, Cullen, Estudillo, Finn, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Roseberry asked for, and was granted, unanimous consent to take up Senate Bill No. 11 for consideration out of order, for the purpose of amendment.

Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed twelve thousand five hundred dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by

their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911."

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Roseberry moved to refer to Senator Boynton as a special committee of one, to amend as follows:

First—Strike out all of Section 2 on page 2 of the printed bill and insert in lieu thereof the following:

"SEC. 2. It shall be the duty of every employer of labor and of persons, firms, associations or corporations insuring against liability of employers for damages or compensation for personal injuries to employees by industrial accidents to furnish to the Industrial Accident Board, upon the written request of a member thereof or an examiner appointed thereby, any and all information in his or its possession or under his or its control, pertinent to any of the matters referred to in the preceding section of this Act. It shall be unlawful for the said board, or any member thereof, or any examiner appointed thereby, to divulge any information obtained from any employer of labor, or from any person, firm, association or corporation insuring against liability or compensation for industrial accidents, without the written consent of such employer, and of such person, firm, association or corporation; and any member of said board, or any examiner appointed thereby who violates the provisions of this section of this Act, shall be guilty of a misdemeanor, and for each and every such violation shall be, upon conviction thereof, punishable by a fine of not less than ten dollars (\$10) or more than one hundred dollars (\$100) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment; and any information so obtained shall not be used against any such employer, person, firm, association or corporation in any action brought against such employer, person, firm, association or corporation, without the written consent of such employer, person, firm, association or corporation: *provided, however*, that this section shall not prevent the Industrial Accident Board from making and publishing the results of its investigations and researches as provided in Sections 5 and 6 of this Act.

Second—Insert in Section 3, line 2 of the printed bill after the word "may" a comma and the following: "during reasonable business hours."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 11, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 11, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOYNTON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Roseberry, the Secretary was directed to issue a rush order for printing Senate Bill No. 11.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Boynton asked for, and was granted, unanimous consent to take up out of order the second reading of all Senate bills reported in by standing committees this day.

Senate Bill No. 22—An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee.

During second reading of the bill, the following amendments were submitted by committee:

On page 3, Section 2, subsection (g), line 76, strike out the words "the property" and insert in lieu thereof the following: "risks".

Amendment adopted.

Also:

On page 5, Section 7, line 151, strike out the words "in transit" and insert in lieu thereof the following: "between states or territory and states or to or from a foreign country".

Amendment adopted.

Also:

On page 5, Section 7, line 153, strike out the words "of their business as such carriers shall be deemed not void" and insert in lieu thereof the following: "of interstate commerce or commerce with foreign countries, shall be deemed not void."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 34—An Act validating the formation and organization, and determining the boundaries of Imperial Irrigation District in the county of Imperial, State of California.

Bill read second time, ordered engrossed, and on file for third reading.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Sanford, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 11, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 42—An Act excluding certain lands from Reclamation District No. 535, and providing for the continuance of said district as to the remaining lands within the boundaries thereof, and providing that the lands so excluded shall be liable for their just proportion of the legal indebtedness of said district when the same shall be ascertained by law.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 11, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

Assembly Bill No. 42 read first time and ordered referred to Committee on Irrigation.

MOTION.

Senator Shanahan announced that Assembly Constitutional Amendment No. 3 is identical with Senate Constitutional Amendment No. 1, and moved that Assembly Constitutional Amendment No. 3 and Senate Constitutional Amendment No. 1 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Constitutional Amendment No. 3 and Senate Constitutional Amendment No. 1 ordered referred to Committee on Engrossment and Enrollment.

ADJOURNMENT.

At four o'clock and fifteen minutes P. M., on motion of Senator Bell, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, December 12, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, December 11, 1911, the further reading was dispensed with, on motion of Senator Rush.

LEAVES OF ABSENCE.

Senators Lewis and Cartwright were, on motion of Senator Wolfe, granted leave of absence for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 11, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment, to whom was referred Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books.

And: Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books—for comparison.

Have had the same under consideration, and respectfully report that Assembly Constitutional Amendment No. 3 is identical with Senate Constitutional Amendment No. 1, and recommend that Senate Constitutional Amendment No. 1 be withdrawn.

CASSIDY, Chairman.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Under the terms of Rule 31 of the Standing Rules of the State, Senate Constitutional Amendment No. 1 and Assembly Constitutional Amendment No. 3, having been reported identical by the Committee on Engrossment and Enrollment, Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books—considered withdrawn.

And: Assembly Constitutional Amendment No. 3—A resolution to

propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books—ordered on file without reference to committee.

REPORTS OF STANDING COMMITTEE—(RESUMED).

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, December 12, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 1—Relative to an appropriation of \$1,000,000 by Congress for the improvement of Yosemite National Park.

Also: Senate Joint Resolution No. 5—Relating to an appropriation of \$1,000,000 for the improvement of Yosemite National Park.

Have had the same under consideration, and respectfully report the same back and recommend that Assembly Joint Resolution No. 1 be adopted, and that Senate Joint Resolution No. 5 be withdrawn by the author.

WRIGHT, Chairman.

Assembly Joint Resolution No. 1 ordered on file.

Senate Joint Resolution No. 5 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, December 12, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 4—Relative to the election of the President and Vice-President of the United States by a direct popular and nation-wide vote—have had the same under consideration, and respectfully report the same back and recommend that it be adopted as amended.

WRIGHT, Chairman.

Senate Joint Resolution No. 4 ordered on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Wright asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 4 for consideration out of order, for the purpose of amendment.

Senate Joint Resolution No. 4—Relative to the election of the President and Vice-President of the United States by a direct popular and nation-wide vote.

The following amendment was submitted by committee:

On page 1 of the printed resolution strike out lines 1 to 16, both inclusive.

Amendment adopted.

Joint resolution ordered to print, reëngrossment, and on file.

REPORTS OF STANDING COMMITTEE—(RESUMED).

The following reports of standing committee were received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, December 11, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 5—An Act to amend section four thousand and thirteen of the Political Code of California, relating to the officers of a county.

Also: Senate Bill No. 43—An Act to amend Section 4020 of the Political Code of California, relating to consolidation of county offices.

Also: Senate Bill No. 6—An Act to amend Section 4232 of the Political Code of California, relating to the salaries and fees of officers in counties of the third class.

Have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

HEWITT, Chairman.

Senate Bills Nos. 5, 43 and 6 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 11, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 4—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149e and 4149f, providing for the appointment of a registrar of voters, prescribing his duties and fixing his term of office.

Also: Senate Bill No. 42—An Act to amend Section 4017 of the Political Code, with reference to the consolidation of county offices.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

HEWITT, Chairman.

Senate Bills Nos. 4 and 42 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Bills: Senate Joint Resolution No. 10—Relative to requesting the Congress of the United States to pass the Simmons quarantine bill, now before Congress.

Senate joint resolution referred to Committee on Federal Relations.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 32—An Act to amend Section 1094 of the Political Code of the State of California, relating to the registration of voters.

Senate Bill No. 32 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 39—An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for conveyance of such water to the place of use."

On motion of Senator Hurd, Senate Bill No. 39 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section six, article four thereof.

On motion of Senator Walker, Senate Constitutional Amendment No. 2 was temporarily passed on file, to retain its place.

Senate Bill No. 26—An Act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and for providing a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller.

On motion of Senator Curtin, Senate Bill No. 26 was temporarily passed on file, to retain its place.

Senate Joint Resolution No. 3—Relative to restricting Japanese and other Asiatic immigration.

Senate Joint Resolution No. 3 was temporarily passed on file, in the absence of the author, to retain its place.

QUESTION OF PERSONAL PRIVILEGE.

Senator Roseberry arose to a question of personal privilege and spoke as follows:

MR. PRESIDENT: I rise to a point of personal privilege to resent the unfair imputation placed upon my relation with Senate Bill No. 11 now pending before this body.

The Sacramento Union of this date has discussed editorially my connection with this bill, which permits the State Industrial Accident Board to expend \$15,000 of its present appropriation for the purpose of collecting data on accidents, investigating methods of accident prevention, investigating comparative merits and relative costs of various forms of insurance against liability for accidents, to report all information gained to the Governor and Legislature for its guidance in dealing with the problem, and lastly to give publicity to the information gained to the people of the State of California.

This scurrilous article in the Union states that the bill is designed to give me a job as lecturer throughout the State of California to speak upon the bill that bears my name and to incidentally extol my achievements as a legislator. While I have never resented any criticism of my political record or action on legislative matters in this body, I do now resent and deny as a bald falsehood that I am seeking to gouge the public treasury of \$15,000 under the guise of this bill. Such an insinuation is flatly false without a scintilla of truth or evidence to sustain it, and is aimed at killing a bill designed to assist labor and injured employees throughout the State of California. In this sense it is an attack upon labor and injured men in that it attempts to deprive them of the benefit which is bound to flow from an exhaustive and expert examination of the industrial accident problem.

I believe this article is prompted by a spirit of revenge and malice because of the action of this body in passing a bill which is apt to deprive this sheet of the political pap which it has been living upon for the last twenty years, at a sacrifice of economy in printing public notices. The bill which placed the letting of all advertising into the hands of the Board of Control will unquestionably result in depriving this paper of its monopoly on state printing, which it has heretofore enjoyed. This is, I believe, the real actuating motive behind the unfair and false attack.

I trust the members of this Legislature and the people of the State at large will join me in resenting this kind of imputation and attack upon a splendid piece of legislation drawn to meet a great humanitarian need. I have rendered professional service to the Industrial Accident Board since the liability law has been in operation, without one cent of compensation and without any promise of any in the future. I do not and never did intend to act as lecturer for this Board, and so far as I am aware the Board itself will undertake the duties assigned it in the bill, without any assistance from me whatever. I do not and never did intend to profit, either directly or indirectly, by a single dollar in the appropriation of \$15,000 mentioned in Senate Bill No. 11, and any "report" to the contrary mentioned in the aforesaid Union editorial arises entirely from its own corrupt imagination.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Stetson asked for, and was granted, unanimous consent to take up Senate Bill No. 4 for consideration out of order, for the purpose of amendment.

Senate Bill No. 4—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149e and 4149f, providing for the appointment of a registrar of voters, prescribing his duties, and fixing his term of office.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Stetson moved to refer to Senator Strobbridge as a special committee of one, to amend as follows:

On page 1, Section 1, lines 11, 12, 13, 14, and 15, strike out the words "*provided, however,* that in all counties, and cities and counties, except cities and counties having a registrar of voters by charter provision and counties of the third class, the county clerk shall be registrar of voters," and insert in lieu thereof a period.

Also: On page 2, Section 1, line 21, strike out the period after the word "officers," and insert in lieu thereof the following: "*provided, however,* that until otherwise provided by law the board of supervisors of each county may provide for the employment by the registrar of such assistants as may be necessary for the proper discharge

of the duties of his office and fix the compensation of such assistants, which shall be paid out of the general fund of the county on the presentation and filing with the board of supervisors of such county a duly verified claim therefor, approved by said registrar."

Also: On page 2, Section 2, line 17, strike out the period after the word "elections," and insert in lieu thereof the following: "provided, however, that until the actual exercise of the duties of the office of registrar, under appointment or consolidation, the county clerk shall continue to perform the duties now imposed on him by law with reference to registration and election."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 12, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 4, with instructions to amend, respectfully reports the same back, amended as per instructions.

STROBRIDGE, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Stetson, the Secretary was directed to issue a rush order for printing Senate Bill No. 4.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Boynton asked for, and was granted, unanimous consent to take up out of order the second reading of all Senate bills reported in by standing committees this day.

Senate Bill No. 42—An Act to amend Section 4017 of the Political Code, with reference to the consolidation of county offices.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 7, after the words "county clerk;" strike out the remainder of the section and insert in lieu thereof the following: "auditor, recorder and registrar of voters; county clerk, recorder and registrar of voters; county clerk, auditor and registrar of voters; county clerk and registrar of voters; treasurer and tax collector; assessor and tax collector; public administrator and coroner."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Stetson, the Secretary was directed to issue a rush order for printing Senate Bill No. 42.

SECOND READING OF SENATE BILL—(RESUMED).

Senate Bill No. 43—An Act to amend Section 4020 of the Political Code of California, relating to consolidation of county offices.

Bill read second time, ordered engrossed, and on file for third reading.

RECESS.

At eleven o'clock A. M., on motion of Senator Boynton, the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 12, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 9—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities, their officers, define its powers and duties and the rights, remedies, of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the "Railroad Commission Fund" and appropriating the moneys therein to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act.

Also: Senate Bill No. 43—An Act to amend Section 4020 of the Political Code of California, relating to consolidation of county offices.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 9 and 43 ordered on file for third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, December 12, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Assembly Bill No. 20—An Act to amend Section 2185c of the Political Code of the State of California—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

RUSH, Chairman.

Assembly Bill No. 20 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Rush asked for, and was granted, unanimous consent to take up Assembly Bill No. 20 for consideration out of order.

Assembly Bill No. 20—An Act to amend Section 2185c of the Political Code of the State of California.

Bill read second time, and ordered on file for third reading.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Boynton, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 12, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties

of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

MOTION.

Senator Burnett announced that Assembly Bill No. 1 is identical with Senate Bill No. 9, and moved that Assembly Bill No. 1 and Senate Bill No. 9 be referred to the Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 1 and Senate Bill No. 9 ordered referred to Committee on Engrossment and Enrollment for comparison.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Bryant:

Resolved, That the Sergeant-at-Arms of the Senate is hereby authorized to procure a Bear flag of the State of California and have the same displayed in a conspicuous place in the Senate Chamber.

Resolution read, and ordered referred to Committee on Contingent Expenses.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Boynton, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 12, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 3—Relative to a bill before Congress, known as the "Sulloway Bill," for the relief of the veterans of the Civil War.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Joint Resolution No. 3 ordered referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 12, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 8—An Act to amend Section 4021a of the Political Code, providing for the recall of elective officers of counties and subdivisions thereof.

Also: Assembly Bill No. 9—An Act to amend Section 4058 of the Political Code, relating to direct legislation and including initiative and referendum, by electors of counties.

Also: Assembly Bill No. 11—An Act to provide for direct legislation by cities and towns, including initiative and referendum.

Also: Assembly Bill No. 39—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by adding a new section thereto to be numbered 28½, and providing for the recall of elective officers of irrigation districts.

Also: Assembly Bill No. 49—An Act to amend Sections 1142 and 1204 of the Political Code of the State of California, relating to boards of election and manner of voting.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 8, 9, 11, 39 and 49 read first time.

Assembly Bills Nos. 8, 9, 11 and 49 ordered referred to Committee on Elections and Election Laws.

Assembly Bill No. 39 ordered referred to Committee on Irrigation.

RECESS.

At two o'clock and twenty minutes P. M., on motion of Senator Bell, the President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 12, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment, to whom was referred Assembly Bill No. 1—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities, their officers, define its powers and duties and the rights, remedies, of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the "Railroad Commission Fund" and appropriating the moneys therein to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act.

And: Senate Bill No. 9—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities, their officers, define its powers and duties and the rights, remedies, of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the "Railroad Commission Fund," and appropriating the moneys therein to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act—for comparison.

Have had the same under consideration, and respectfully report that Assembly Bill No. 1 is identical with Senate Bill No. 9, and recommend that Senate Bill No. 9 be withdrawn.

CASSIDY, Chairman.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Under the terms of Rule 31 of the Standing Rules of the Senate, Senate Bill No. 9 and Assembly Bill No. 1 having been reported identical, by the Committee on Engrossment and Enrollment, Senate Bill No. 9—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties

of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the "Railroad Commission Fund" and appropriating the moneys therein to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act—considered withdrawn.

And: Assembly Bill No. 1—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act—ordered on second reading file of Assembly bills without reference to committee.

SUSPENSION OF RULES.

Senator Curtin moved that No. 63 of the Standing Rules of the Senate be suspended for the evening session.

Motion carried.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 12, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bill: Senate Bill No. 2—An Act to establish a standard of weights and measures in the State of California: to regulate weights and measures and weighing and measuring instruments and devices, and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this Act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this Act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this Act into effect—and report that the same has been correctly reëngrossed.

CASSIDY, Chairman.

Senate Bill No. 2 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 12, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following bill: Senate Bill No. 34—An Act validating the formation and organization, and determining the boundaries of Imperial Irrigation District in the county of Imperial, State of California—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 34 ordered on file for third reading.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Boynton, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 11, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 13—An Act relating to the advertising and publication of notices, publications and advertisements by state officers, boards, commissions, bureaus and departments, directing that all notices, advertisements and publications when prepared be delivered to the State Board of Control and vesting in the State Board of Control the exclusive charge, control, supervision, direction, designation, management and regulation of the giving, advertising, noticing and publication of all advertisements, publications and notices to be inserted in newspapers or other mediums, revoking all such authority heretofore given to any state officer, board, commission, bureau or department, and repealing all Acts and parts of Acts in conflict herewith.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

Senate Bill No. 13 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 11, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to Section 16½ of article eleven of the Constitution, relating to the deposits of moneys belonging to the State, or to any county or municipality within the State.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

Senate Constitutional Amendment No. 3 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 12, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 1—Approving the charter of the city of Stockton, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 17th day of October, 1911.

Also: Assembly Concurrent Resolution No. 2—Approving charter of the city of Sacramento, county of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a general election therein on the 7th day of November, 1911.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

Assembly Concurrent Resolutions Nos. 1 and 2 ordered referred to Committee on Municipal Corporations.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Boynton asked for, and was granted, unanimous consent to take up for consideration all bills now on the third-reading files.

Senate Bill No. 2—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false

weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this Act; for the admission in evidence of copies of the State's standards of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this Act including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this Act into effect.

Read third time previously.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 9 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutten, Finn, Gates, Hare, Hewitt, Juilliard, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 32—An Act to amend Section 1094 of the Political Code of the State of California, relating to the registration of voters.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Burnett moved to refer to Senator Thompson as a special committee of one, to amend as follows:

By striking out of Section 1 all of lines 2 and 3 and inserting in lieu thereof "county and city and county of the State, a new and complete registration of the voters of such county or city and county, who".

Also: By striking out of Section 1, line 6, the word "time" and inserting in lieu thereof the word "times".

Also: By striking out of Section 1, line 8, the words "the several counties" and inserting in lieu thereof the words "each county or city and county".

Also: By striking out of Section 1 all of lines 18 and 19 and inserting in lieu thereof the following: "provided, however, that in any city and county where the registration at the last preceding presidential election exceeded".

Also: By striking out of Section 1, line 24, the word "cities and counties" and inserting in lieu thereof the words "any such city and county".

Also: By striking out of Section 1, line 36, the words "said cities and counties" and inserting in lieu thereof the words "any such city and county".

Also: By striking out of Section 1 all of line 40, and inserting in lieu thereof the words "specified, shall be provided in any such city and county as may be".

Also: By striking out of Section 1, lines 44 and 45, the words "cities and counties" and by inserting in lieu thereof the words "any such city and county".

Also: By striking out of Section 1, line 47, the words "the same" and inserting in lieu thereof the words "any such".

Also: By striking out of Section 1 all of line 51, after the word "inserting," and all of lines 52 to 74, inclusive, and inserting in lieu thereof the following: "the place of residence stated in such last former precinct registration in said city and county, and the person so making an affidavit for the purpose of transferring his precinct registration, shall be required as a part of such affidavit to state the place of residence so given by him in such last former registration in said city and county, and if such last former registration of such person from the residence so specified is not found at the main office of registration, then and in that event, if such last affidavit of registration for the purpose of transfer was not made at such main office such voter may be cited by the officer or board charged with the registration of voters, by written or printed notice mailed in a sealed envelope, with proper postage

thereon, addressed to the last place of residence of such person, as given in said affidavit of registration for the purpose of transfer, citing such person to appear at the main office of registration, not later than ten days from the time of mailing such citation (specifying the last day for such appearance), to correct or correctly state his last former place of residence in said city and county at the date of his last prior registration, and that unless he or she so appear and make such statement in such manner that his or her said last former precinct registration before the making of said affidavit for the purpose of said transfer, may be found that his or her said affidavit and application for such transfer of registration will be canceled. Unless such person shall appear at such main office according to the requirements of such citation and make such statement as will enable his or her said last former place of residence and precinct registration, prior to said affidavit and application for transfer of registration in such city and county, to be found, his or her said last affidavit and application for transfer of registration."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 12, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 32, with instructions to amend, respectfully reports the same back, amended as per instructions.

THOMPSON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Assembly Bill No. 29—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 29 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hewitt, Holohan, Juilliard, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Curtin asked for, and was granted, unanimous consent to withdraw Senate Bill No. 26—An Act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and for providing a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller.

Senate Bill No. 26 withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 5—An Act to amend section four thousand and thirteen of the Political Code of California, relating to the officers of a county.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Welch moved to refer to Senator Strobridge as a special committee of one, to amend as follows:

By striking out of Section 1, line 22, and inserting in lieu thereof the following:

"18. A sealer of weights and measure.

19. Such other officers as may be provided by law."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 12, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 5, with instructions to amend, respectfully reports the same back, amended as per instructions.

STROBRIDGE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At eight o'clock and forty-five minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

MOTION.

Senator Thompson moved that Senate Bill No. 27 be withdrawn from Committee on Engrossment and Enrollment, for the purpose of amendment.

Motion carried.

Senate Bill No. 27—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four, of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891; and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1911, and all other Acts in conflict with this Act.

The following amendments were offered by Senator Thompson:

On page 2, Section 1, strike out all of Subdivisions 10 and 11, and insert in lieu thereof the following:

"10. The counties of San Joaquin and Amador shall constitute the Tenth Senatorial District.

"11. The counties of San Mateo, San Benito, and Santa Cruz shall constitute the Eleventh Senatorial District."

Amendment adopted.

Also:

On page 6, Section 1, strike out all of Subdivision 17, and insert in lieu thereof the following:

"17. The counties of Kings, Monterey, and San Luis Obispo shall constitute the Seventeenth Senatorial District."

Amendment adopted.

Also:

On page 8, Section 1, strike out all of Subdivision 25, and insert in lieu thereof the following:

"25. The counties of Ventura and Santa Barbara shall constitute the Twenty-fifth Senatorial District."

Amendment adopted.

Also:

On page 9, Section 1, strike out all of Subdivision 29, and insert in lieu thereof the following:

"29. All that portion of the county of Los Angeles embraced within and comprising the Sixty-fourth and Sixty-fifth Assembly Districts, as designated and constituted by section ninety of this Code shall constitute the Twenty-ninth Senatorial District."

Amendment adopted.

Also:

On pages 20 and 21, Section 2, strike out all of Subdivisions 40, 41, and 42, and insert in lieu thereof the following:

"40. All that portion of the city and county of San Francisco bounded as follows: commencing at the intersection of Washington street and Van Ness avenue, continuing thence along the center line of the following named streets: Van Ness avenue to Green, Green to Hyde, Hyde to the waters of the bay of San Francisco; thence westerly and southerly along the shore line of the bay of San Francisco and the Pacific Ocean to the point where Lobos Creek empties into the waters of said ocean; thence along the line of Lobos Creek to the southerly boundary line of the Presidio Reservation; thence along said boundary line to Laurel street, Laurel to California, California to Baker, Baker to Washington, Washington to Van Ness avenue, the place of beginning, shall constitute the Fortieth Assembly District.

41. All that portion of the city and county of San Francisco bounded as follows: commencing at the intersection of Market street and Van Ness avenue, continuing thence along the center line of the following named streets: Van Ness to Green, Green to Mason, Mason to Ellis, Ellis to Jones, Jones to Market, Market to Van Ness avenue, the place of beginning, shall constitute the Forty-first Assembly District.

42. All that portion of the city and county of San Francisco bounded as follows: commencing at the intersection of Market and Jones streets, continuing thence along the center line of the following named streets: Jones to Ellis, Ellis to Mason, Mason to Green, Green to Hyde, Hyde to the waters of the bay of San Francisco; thence easterly along the shore line of said bay to Market street, Market to Jones, the place of beginning, together with all the waters of the bay of San Francisco, and the islands contained therein, situated within the boundaries of the city and county of San Francisco, shall constitute the Forty-second Assembly District."

Amendment adopted.

Also:

On page 7, Section 1, strike out all of Subdivision 21, and insert in lieu thereof the following:

"21. All that portion of the city and county of San Francisco, constituting the Thirty-third and Thirty-fourth Assembly Districts, as designated and constituted by section ninety of this Code, and the following described portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Bryant street with the center line of Twenty-first street; thence along the center line of the following named streets, to wit: Bryant street to Army street, Army street to Andrew street, Andrew street to Army street, Army street to Connecticut street, Connecticut street to Twentieth street, Twentieth street to Bryant street, Bryant street to the point of beginning, shall constitute the Twenty-first Senatorial District."

Amendment adopted.

Also:

On page 8, Section 1, strike out all of Subdivision 23, and insert in lieu thereof the following:

"23. All that portion of the city and county of San Francisco, consisting of the Twenty-ninth Assembly District, as designated and constituted by section ninety of this Code, and the following described portion of the city and county of San Francisco: commencing at the point of intersection of the center line of Twentieth street with the center line of Connecticut street; thence along the center line of the fol-

lowing named streets, to wit: Connecticut street to Army street, Army street to San Bruno avenue; San Bruno avenue to the boundary line between the city and county of San Francisco and the county of San Mateo; thence easterly along said boundary line of the shore line of the bay of San Francisco; thence northerly along said shore line to its intersection with the center line of Twentieth street; thence along the center line of Twentieth street to the point of beginning, shall constitute the Twenty-third Senatorial District."

Amendment adopted.

Also:

On pages 16 and 17, Section 2, strike out all of Subdivisions 29 and 30, and insert in lieu thereof the following:

"29. All that portion of the city and county of San Francisco, bounded as follows: commencing at the point of intersection of the center line of Market street with the center line of Eleventh street; thence along the center line of the following named streets, to wit: Eleventh street to Bryant street, Bryant street to Twentieth street, Twentieth street to the bay of San Francisco; thence northerly along the shore line of said bay to its intersection with the center line of Market street; thence along the center line of Market street to the point of beginning, shall constitute the Twenty-ninth Assembly District.

30. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Twentieth street with the center line of Bryant street; thence along the center line of the following named streets: Bryant street to Army street, Army street to Andrew street, Andrew street to Army street, Army street to San Bruno avenue, San Bruno avenue to the boundary line between the city and county of San Francisco and the county of San Mateo; thence easterly along said boundary line to the bay of San Francisco; thence northerly along the shore line of the bay of San Francisco to its intersection with the center line of Twentieth street; thence along the center line of Twentieth street to the point of beginning, shall constitute the Thirtieth Assembly District."

Amendment adopted.

Also:

On pages 17, 18 and 19, Section 2, strike out all of Subdivisions 32, 33, 34, and 35, and insert in lieu thereof the following:

"32. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Twenty-second and Dolores streets, continuing thence along the center line of the following named streets: Dolores street to San Jose avenue, San Jose avenue to the boundary line dividing the counties of San Francisco and San Mateo; thence along said boundary line westerly to the intersection of the waters of the Pacific Ocean; thence along the shore line of said ocean northerly to the Sloat boulevard; thence along Sloat boulevard to Corbett avenue, Corbett avenue to Burnett avenue, Burnett avenue to Dixie alley, Dixie alley to Grand View avenue, Grand View avenue to Twenty-second street, Twenty-second to Dolores street, the place of beginning, shall constitute the Thirty-second Assembly District.

33. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Twenty-first street with the center line of Dolores street; thence along the center line of the following named streets, to wit: Twenty-first street to San Carlos street, San Carlos street to Eighteenth street, Eighteenth street to Shotwell street, Shotwell street to Twenty-first street, Twenty-first street to Bryant street, Bryant street to Army street, Army street to Mission street, Mission street to Twenty-ninth street, Twenty-ninth street to Dolores street, Dolores street to point of beginning, shall constitute the Thirty-third Assembly District.

34. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Oak and Fillmore streets, continuing thence along the center line of the following named streets: Fillmore street to Duboce avenue, Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to Dolores street, Dolores street to Twenty-second street, Twenty-second street to Grand View avenue, Grand View avenue to Dixie alley, Dixie alley to Burnett avenue, Burnett avenue to the westerly boundary line of the San Miguel Rancho; thence along the line of said San Miguel Rancho northeasterly to Locksley avenue, Locksley avenue to Kirkham street; thence along the line of Kirkham street, if extended, easterly to a point opposite Seventeenth street; thence southerly to Palo Alto avenue, Palo Alto avenue to Burnett avenue, Burnett avenue to Clarendon avenue, Clarendon avenue to Clayton street, Clayton street to Frederick street, Frederick street to Buena Vista avenue, Buena Vista avenue to Central avenue, Central avenue to Oak street, Oak street to Fillmore street, the place of beginning, shall constitute the Thirty-fourth Assembly District.

35. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Turk and Baker streets, continuing thence

along the center of the following named streets: Baker to Oak street, Oak street to Central avenue, Central avenue to Buena Vista avenue, Buena Vista avenue to Frederick street, Frederick to Clayton, Clayton street to Clarendon avenue, Clarendon avenue to Burnett avenue, Burnett avenue to Palo Alto avenue, Palo Alto avenue to the easterly boundary line of San Miguel Rancho; thence along said line northerly to a point opposite Seventeenth street; thence westerly along Seventeenth street, if extended, to Kirkham street, Kirkham street to Locksley avenue, Locksley avenue to the westerly line of San Miguel Rancho; thence along said line to the Sloat boulevard, Sloat boulevard to the intersection of the waters of the Pacific Ocean; thence along said shore line northerly to Fulton street, Fulton street to Masonic avenue, Masonic avenue to Turk street, Turk to Baker street, the place of beginning, shall constitute the Thirty-fifth Assembly District."

Amendment adopted.

Also:

On page 19, Section 2, strike out all of Subdivision 37, and insert in lieu thereof the following:

"37. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Market street with the center line of Eleventh street; thence along the center line of the following named streets, to wit: Market street to Van Ness avenue, Van Ness avenue to Oak street, Oak street to Fillmore street, Fillmore street to Duboce avenue, Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to San Carlos street, San Carlos street to Eighteenth street, Eighteenth street to Shotwell street, Shotwell street to Twenty-first street, Twenty-first street to Bryant street, Bryant street to Eleventh street, Eleventh street to the point of beginning, shall constitute the Thirty-seventh Assembly District."

Amendment adopted.

Also:

Add a new section to said bill to be numbered Section 3, and to read as follows:

"SEC. 3. Any precinct, or portion of any precinct, not specifically described herein as constituting a portion of either a senatorial or assembly district, shall be attached to and constitute a part of the senatorial or assembly district adjacent thereto and situated within the same county or city and county, having, as shown by the last Federal census a less population than any other such district adjacent thereto."

Amendment adopted.

The following amendment was offered by Senator Shanahan:

On page 10, Section 2, Subdivision 3, line 1 of printed bill, strike out the words "and Shasta" and insert in lieu thereof the following: "Plumas and Sierra".

Amendment refused adoption.

The following amendment was offered by Senator Wolfe:

Strike out all the description of the Nineteenth Senatorial District on page 6 of the bill, and insert the following: "All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Van Ness avenue and Eddy street, continuing thence along the center of the following named streets: Eddy street to Masonic avenue, Masonic avenue to Geary street, Geary street to Lyon street, Lyon street to California street, California street to Maple street, Maple street to the boundary line of the Presidio Reservation; thence along said boundary line westerly to Lobos Creek; thence along said Lobos Creek to the waters of the Pacific Ocean; thence along the shore line northerly to the waters of San Francisco Bay; thence along the shore line of San Francisco Bay easterly to Van Ness avenue; thence along Van Ness avenue to Eddy street, the place of beginning, shall constitute the Nineteenth Senatorial District."

Senator Wolfe asked for, and was granted, unanimous consent to withdraw the amendment.

The following amendments were submitted by Senator Hurd:

Pages 23 and 24, Subsection 62, lines 6 and 7, strike out the words "one hundred twenty-one, one hundred twenty-two, and one hundred twenty-three," and insert in lieu thereof "forty-four, forty-nine and fifty-two."

Also: Page 26, Subsection 66, lines 6 and 7, strike out the words "seventy-six, seventy-seven, seventy-eight and eighty."

Also: Page 25, Subsection 64, line 7, after the words "eighty-one," insert "eighty, seventy-six, seventy-seven, seventy-eight."

Amendments refused adoption.

Bill ordered to print, engrossment and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Thompson, the Secretary was directed to issue a rush order for printing Senate Bill No. 27.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 12, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following: Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed fifteen thousand dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled, "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an Industrial Accident Board, making an appropriation therefor, defining its powers and providing for a review of its awards," approved April 8, 1911—and report that the same has been correctly re-engrossed.

CASSIDY, Chairman.

Senate Bill No. 11 ordered on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Wright asked for, and was granted, unanimous consent to take up Senate Bill No. 34 for consideration out of order.

Senate Bill No. 34—An Act validating the formation and organization, and determining the boundaries of Imperial Irrigation District in the county of Imperial, State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 34 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Walker, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Roseberry asked for, and was granted, unanimous consent to take up Senate Bill No. 11 for consideration out of order.

Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board

to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act, a sum not to exceed twelve thousand five hundred dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an Industrial Accident Board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911."

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 11 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cassidy, Cutten, Estudillo, Finn, Gates, Holohan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, December 12, 1911.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate is hereby authorized to procure a Bear flag of the State of California and have the same displayed in a conspicuous place in the Senate Chamber.

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

BURNETT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Holohan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Shanahan, Thompson, Tyrrell, Walker, Wolfe, and Wright—30.

NOES—None.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, December 12, 1911.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Assembly Bill No. 39—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by adding a new section thereto to be numbered 283, and providing for the recall of elective officers of irrigation districts—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

BILLS, Vice-Chairman.

Assembly Bill No. 39 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 12, 1911.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 48—An Act regulating and limiting the appropriation of water and the use of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water or the use of water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for water or the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than forty years; limiting the right to water or the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power, and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water or the use of water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for water or the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state water commission; providing the powers and duties of said water commission and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said water commission; providing for the appointment and compensation of employees and assistants to said water commission; limiting the expenses of said water commission and providing for the payment thereof; making an appropriation to carry out the provisions of this Act; fixing the place of business of said water commission; declaring the diversion of water or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control; providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity, or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act," approved April 8, 1911—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

BILLS, Vice-Chairman.

Senate Bill No. 48 ordered on file for second reading.

MOTION.

On motion of Senator Curtin, Assembly Bill No. 39 ordered re-referred to Committee on Elections and Election Laws.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER)—(RESUMED).

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, December 12, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 38—An Act to authorize the Superintendent of Capitol Building and Grounds to employ extra help for the extra session of the thirty-ninth Legislature for the month of December, 1911, and appropriating money therefor—have had the same under consideration, and respectfully report the same back and recommend that same do pass as amended.

CUTTEN, Chairman.

Senate Bill No. 38 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, December 12, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 1—Approving the charter of the city of Stockton, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 17th day of October, 1911.

Also: Assembly Concurrent Resolution No. 2—Approving charter of the city of Sacramento, county of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a general election therein on the 7th day of November, 1911.

Have had the same under consideration, and respectfully report the same back and recommend that they be adopted.

HURD, Chairman.

Assembly Concurrent Resolutions Nos. 1 and 2 ordered on file.

ADJOURNMENT.

At ten o'clock and thirty-five minutes P. M., on motion of Senator Bell, the President pro tem., declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Wednesday, December 13, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—37.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, December 12, 1911, the further reading was dispensed with, on motion of Senator Rush.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, December 13, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 19—An Act to amend section four thousand and twenty-three of the Political Code of the State of California, relating to eligibility to county, district and township offices.

Also: Senate Bill No. 17—An Act to amend section ten hundred and eighty-three of the Political Code of the State of California, relating to and defining qualified electors.

Also: Senate Bill No. 18—An Act to amend section seventeen of the Political Code of the State of California relating to definitions of certain terms used in said Code.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

ESTUDILLO, Chairman.

Senate Bills Nos. 19, 17 and 18 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 13, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 15—An Act to amend section ten hundred and ninety-six of the Political Code of the State of California—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

ESTUDILLO, Chairman.

Senate Bill No. 15 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 13, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 24—An Act to amend section four thousand and twenty-three of the Political Code of the State of California, relating to eligibility to county, district and township offices.

Also: Assembly Bill No. 45—An Act to amend Section 1066 of the Political Code of the State of California, relating to the number of votes necessary to elect.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

ESTUDILLO, Chairman.

Assembly Bills Nos. 24 and 45 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILL, ETC.

The following bill, etc., was introduced:

Senate Joint Resolution No. 11—Relative to the establishment by Congress of regulations regarding free passage through Panama Canal to American vessels engaged in foreign and domestic commerce.

Senate joint resolution referred to Committee on Federal Relations.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 6—An Act to amend Section 4232 of the Political Code of California, relating to the salaries and fees of officers in counties of the third class.

On motion of Senator Tyrrell, Senate Bill No. 6 was temporarily passed on file, to retain its place.

Senate Bill No. 39—An Act to amend an Act entitled “An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, county, or town therein, and to secure the rights of way for conveyance of such water to the place of use.”

On motion of Senator Hurd, Senate Bill No. 39 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section six, article four thereof.

On motion of Senator Walker, Senate Constitutional Amendment No. 2 was temporarily passed on file, to retain its place.

SENATE JOINT RESOLUTION No. 4,

Relative to the election of President and Vice-President of the United States by a direct popular and nation-wide vote.

WHEREAS, California has placed herself in the forefront of progressive states in her effort to make the government more responsive to the will of the people; therefore, be it

Resolved, That the Legislature of the State of California favors the adoption of an amendment to the Constitution of the United States which shall provide for the election of President and Vice-President of the United States by a direct vote of the people.

Resolved, That our Senators and Representatives in Congress be requested to vote for the adoption of a proposed amendment to the Constitution that shall provide for such change; be it further

Resolved, That a copy of this resolution be sent to each of our Senators and Representatives in Congress.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 4 adopted by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Finn, Gates, Hans, Hare, Holoahan, Larkins, Martinelli, Regan, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Senate joint resolution ordered transmitted to the Assembly.

Senate Bill No. 43—An Act to amend Section 4020 of the Political Code, referring to consolidation of county offices.

Senate Bill No. 43 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Joint Resolution No. 3—Relative to restricting Japanese and other Asiatic immigration.

On motion of Senator Sanford, Senate Joint Resolution No. 3 was temporarily passed on file, to retain its place.

SECOND READING OF SENATE BILLS.

Senate Bill No. 40—An Act to provide for the incorporation and organization and management of municipal water districts and to provide for the acquisition or construction thereby of waterworks, and for the acquisition of all property necessary therefor; and also to provide for the distribution and sale of water by said districts.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 3, line 6 of the printed bill, strike out words "registered voters" and insert in lieu thereof the following: "qualified electors".

Amendment adopted.

Also:

On page 3, Section 3, line 64 of the printed bill, strike out words "in the future" and insert in lieu thereof the following: "after six months from date of said election".

Amendment adopted.

Also:

On page 4, Section 4, lines 21 and 22 of the printed bill, strike out the following words: "the date of".

Amendment adopted.

Also:

On page 6, line 69 of the printed bill, strike out the word "Certification" and insert in lieu thereof the word "Verification".

Amendment adopted.

Also:

On page 8, line 130 of the printed bill, strike out the word "clerks" and insert in lieu thereof the word "clerk".

Amendment adopted.

Also:

On page 11 of the printed bill, Section 6, lines 7 and 8, strike out the words "first election" and insert in lieu thereof the following: "election or elections held to select the first board of directors, as herein provided".

Amendment adopted.

Also:

On page 11, Section 6, line 10 of the printed bill, insert before the word "canvass" the words "proceed to".

Amendment adopted.

Also:

On page 12, Section 9, line 19 of the printed bill, insert after the word "directors" the following: "and the person so chosen shall hold office for the remainder of the term so affected".

Amendment adopted.

Also:

On page 13, line 17 of the printed bill, insert after the word "district" the following: "and to complete, extend, add to, repair, or otherwise improve any waterworks or waterworks system acquired by it as herein authorized".

Amendment adopted.

Also:

On page 13, line 37 of the printed bill, strike out the word "any" at the beginning of said line, and insert in lieu thereof the word "and".

Amendment adopted.

Also:

On page 14 of the printed bill, line 47, insert after the word "district" the following: "in the manner hereinafter provided".

Amendment adopted.

Also:

On page 14, line 49 of the printed bill, strike out the semicolon at the end of said line, and insert in lieu thereof a period.

Amendment adopted.

Also:

On page 16, Section 16, line 7 of the printed bill, insert after the word "manner" the following: ", either for cash in lawful money of the United States or its equivalent,".

Amendment adopted.

Also:

On page 7, Section 5, line 118 of the printed bill, strike out the word "exceed" and insert in lieu thereof the word "equal".

Amendment adopted.

Also:

On page 7, Section 5, line 120, of the printed bill, strike out the word "twenty-five" and insert in lieu thereof the word "twenty".

Amendment adopted.

Also:

On page 1, Section 2, line 5 of the printed bill, strike out the period and insert in lieu thereof the following: "; *provided*, that no such municipal water district shall include any city and county, city and town, or other municipality owning or operating a municipal waterworks substantially supplying the greater part of such city and county, city and town, or other municipality and its inhabitants with pure, fresh water at the time of the inception of the proceedings for the organization of the water district."

Amendment adopted.

Also:

On page 19 of the printed bill, add a new section as follows:

"SEC. 27. This Act shall not affect pending actions or proceedings brought or instituted under the provisions of the Act of which this Act is amendatory, but the said actions may be prosecuted and defended and the proceedings carried to completion with the same effect as though this Act had not been passed."

Amendment adopted.

Also:

On page 19 of the printed bill, add a new section as follows:

"SEC. 28. This Act shall take effect ninety days after the final adjournment of this session of the Legislature."

Amendment adopted.

Also:

On page 2, line 7 of the printed bill, insert after the word "for" the following: "candidates for".

Amendment adopted.

Also:

On page 13, line 13 of the printed bill, insert before the word "lands" the following: "waters, water rights,".

Amendment adopted.

Also:

On page 1 of the printed bill, strike out all of the title down to the words "Section 1", and insert in lieu thereof the following:

"An Act to amend an Act entitled 'An Act to provide for the incorporation and organization and management of municipal water districts,' approved May 1, 1911, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and, also, to provide for the distribution and sale of water by said districts.

The People of the State of California do enact as follows:

SECTION 1. An Act entitled 'An Act to provide for the incorporation and organization and management of municipal water districts,' approved May 1, 1911, is hereby amended to read as follows:".

Amendment adopted.

Also:

On page 4, Section 4, line 14 of the printed bill, strike out the comma.

Amendment adopted.

Also:

On page 5, line 31 of the printed bill, strike out the sixth period, and insert in lieu thereof a comma.

Amendment adopted.

Also:

On page 5, line 47 of the printed bill, strike out the sixth period, and insert in lieu thereof a comma.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 38—An Act to authorize the Superintendent of Capitol Building and Grounds to employ extra help for the extra session of the thirty-ninth Legislature for the month of December, 1911, and appropriating money therefor.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 9, strike out the period and insert in lieu thereof the following: "the money hereby appropriated and the help hereby authorized to be employed being necessary for and incidental to the said extra session of said Legislature."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 1—An Act to provide for the organization of the railroad commission, to define its powers and duties and the powers and duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act.

During second reading of the bill, the following amendments were offered by Senator Wright:

Strike out paragraph "d," Section 52, page 42, and insert the following in lieu thereof:

"(d) All stocks, and any stock certificate, and every bond, note or other evidence of indebtedness, of a public utility, issued without an order of the commission authorizing the same shall be void. All stocks and every stock certificate, and every bond, note or other evidence of indebtedness, of a public utility, issued in accordance with the order of authorization of the commission and conforming to the provisions of such order shall be valid."

Also: Strike out paragraph "h," Section 52, page 43, and insert the following in lieu thereof:

"(h) If any public utility shall have, prior to the time this Act becomes operative, authorized the issuance of bonds which have been in whole or in part issued, or pledged, or become subject to contract of sale, this Act shall not apply."

Also: On page 52, after the period following the word and figures "Sec. 64." strike out all of said section and insert in lieu thereof the following:

"The commission may at any time, upon notice to the public utility affected, and after opportunity to be heard as provided in the case of complaints, rescind, alter or amend any order or decision made by it, excepting orders made by it pursuant to the provisions of section fifty-two of this Act authorizing the issue of stocks, stock certificates, bonds, notes and other evidences of indebtedness. Any order rescinding, altering or amending a prior order or decision shall, when served upon the public utility affected, have the same effect as herein provided for original orders or decisions."

The following amendment was offered by Senator Curtin:

Strike out paragraph "h", Section 52, page 43, and insert the following in lieu thereof:

"(h) If any public utility shall have, prior to the time this Act becomes operative, authorized the issuance of bonds which have been in whole or in part issued, or pledged, or become subject to contract of sale, this Act shall not apply."

The following amendment was offered by Senator Cartwright:

Add to Section 21, after the word "Act," in line 20, the following:

"Other than contracts for fixed periods of time not exceeding five years, which have been previously approved by the commission."

MOTION.

Senator Wright moved that the amendments offered by Senators Wright, Curtin and Cartwright be printed in the Journal, and that Assembly Bill No. 1 retain its place on the second reading file of Assembly bills.

Motion carried.

SPECIAL ORDER SET.

Senator Burnett moved that the further consideration of Assembly Bill No. 1—An Act to provide for the organization of the railroad commission, to define its powers and duties and the powers and duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act and the proposed amendments—be made a special order for Thursday, December 14, 1911, at eleven o'clock A. M.

Motion carried.

SUSPENSION OF RULES.

Senator Juilliard moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion carried.

THIRD READING OF ASSEMBLY BILLS.

Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books.

SPECIAL ORDER SET.

Senator Shanahan moved that the further consideration of Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books—be made a special order for Thursday, December 14, 1911, at two o'clock P. M.

Motion carried.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Joint Resolution No. 1—Relative to petitioning Congress to appropriate one million (\$1,000,000) dollars for the improvement of Yosemite National Park.

On motion of Senator Estudillo, Assembly Joint Resolution No. 1 was temporarily passed on file, to retain its place.

Assembly Bill No. 20—An Act to amend Section 2185c of the Political Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 20 finally passed by the following vote:

AYES.—Senators Avey, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Holoban, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobege, Thompson, Tyrrell, Walker, Welch, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 1—Approving the charter of the city of Stockton.

ASSEMBLY CONCURRENT RESOLUTION No. 1.

Approving the charter of the city of Stockton, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 17th day of October, 1911.

WHEREAS, The city of Stockton, a municipal corporation of the county of San Joaquin, State of California, now is and at all times herein referred to was a city containing a population of more than ten thousand inhabitants; and

WHEREAS, At a general municipal election held in said city on the 16th day of May, 1911, under and in accordance with the laws and the provisions of Section 8, Article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after said election, prepare and propose a charter for the government of said city of Stockton; and

WHEREAS, Said charter was on the 14th day of August, 1911, signed in duplicate by more than a majority, to wit: fourteen of the members of said board, and was, on said 14th day of August, 1911, duly returned and filed, one copy thereof to and with the mayor of said city, and the other copy to and with the county recorder of the county of San Joaquin, State of California, and filed in the office of said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Stockton Daily Evening Record" and in "The Mail," each being a newspaper of general circulation in said city of Stockton, and the said charter being published as aforesaid for a period of more than twenty days, the first publication thereof being made within twenty days after the completion of said charter; and

WHEREAS, Said proposed charter was within thirty days after the completion of said publication submitted by the city council of said city of Stockton to the qualified electors of said city of Stockton at a special election, previously duly called and therein held on the 17th day of October, 1911; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of Stockton, voting at said special election, voted in favor of the ratification of, and did ratify, said charter as proposed; and

WHEREAS, Said city council of the city of Stockton, after duly canvassing the returns of said election, found and declared that the majority of said qualified electors voting at said special election had voted for ratifying and did ratify said charter as above specified; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER OF THE CITY OF STOCKTON.

ARTICLE I.

NAME, RIGHTS OF THE CITY AND BOUNDARIES.

Name of the city.

SECTION 1. The municipal corporation now existing and known as the city of Stockton shall remain and continue a body politic and corporate in name and in fact, by the name of the City of Stockton, and by such name shall have perpetual succession.

Rights and liabilities.

SEC. 2. The city of Stockton shall have, exercise and enjoy all the rights, immunities, powers, benefits, privileges, and franchises now possessed, enjoyed, owned or held by it; and shall be subject to all the duties and obligations now pertaining to or incumbent on said city as a corporation, not inconsistent with the provisions of this charter.

Boundaries.

SEC. 3. The boundaries and territorial extent of the city of Stockton are and shall continue to be the same as fixed and described in an Act of the Legislature of the State of California, approved March 27th, 1872, in the words following, to wit: "All that part of the county of San Joaquin, bounded north by the north line of North street, south by the south line of South street, said lines extending west of the line of Tule (Edison) street half a mile, east by the east line of East street, as said streets are now (1872) laid out, dedicated and known in said city, and west by a line parallel with Tule or Bragg (Edison) street and half a mile west from said street and intersecting with the continuation of said north and south lines westerly"; said streets, boundaries and territorial extent being shown and delineated upon the official map of said city by H. T. Compton, city surveyor, adopted by the city council of said city on July 23d, 1894.

ARTICLE II.

ELECTIONS.

General and special municipal elections.

SEC. 5. A municipal election shall be held in the city of Stockton on the first Tuesday in October next after the approval of this charter by the Legislature, and on the first Tuesday in October in every second year thereafter, and shall be known as the general municipal election. A second election shall be held, when necessary, as provided in Subdivision 21. of Section 6, on the second Tuesday after said general municipal election, and shall be known as the second general municipal election. All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.

Nomination and election of city officers.

SEC. 6. The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise:

Condition of candidacy.

(1) The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

Form of nomination petition.

(2) The petition of nomination shall consist of not less than twenty-five, nor more than thirty-five, individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION.
Individual Certificate.

STATE OF CALIFORNIA,
COUNTY OF SAN JOAQUIN, } ss.
CITY OF STOCKTON.

I, the undersigned, certify that I do hereby join in a petition for the nomination of _____ No. _____ whose residence is at No. _____ street, Stockton, for the office of _____ to be voted for at the municipal election to be held in the city of Stockton on the _____ day of _____, 19____, and I further certify that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office; that my residence is at No. _____ street, Stockton, and that my occupation is _____ (Signed) _____

STATE OF CALIFORNIA,
COUNTY OF SAN JOAQUIN, } ss.
CITY OF STOCKTON.

_____, being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) _____
Subscribed and sworn to before me this _____ day of _____, 19____.

(Notary public or verification deputy.)

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to _____ at No. _____ street, Stockton, Cal.

Forms to be supplied by the city clerk.

(3) It shall be the duty of the city clerk to furnish upon application a reasonable number of official forms of individual certificates of the above character.

Requirements of certificates.

(4) Each certificate must be a separate paper. All certificates must be of uniform size as determined by the city clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate must contain the name of one candidate and no more. Each signer must be a qualified elector and must not at the time of signing a certificate have signed his name to any other for any other candidate for the same office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true before a notary public or a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

Verification deputies.

(5) Verification deputies, under this section, must be qualified electors of the city and shall be appointed by the city clerk upon application in writing signed by not less than five qualified electors of the city. The application shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for municipal office at an election therein specified, and that the applicants desire the person or persons whose names and addresses are given, appointed as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions of nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purposes whatsoever, and their appointments shall continue only until all petitions of nomination, under this section, shall have been filed by the city clerk. No verification deputy shall be paid, in whole or in part, directly or indirectly, out of the city treasury. All verification deputies must, before their appointment, make and file with the city clerk an oath as to their ages, places of residence, occupation and whether or not they are qualified electors of the city of Stockton, California.

Date of presenting petition.

(6) A petition of nomination may be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election, except as otherwise provided in this charter. The clerk shall endorse thereon the date upon which the petition was presented to him.

Examination of petitions by city clerk.

(7) When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this charter. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this section. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided.

Withdrawal of signature.

(8) Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of candidate.

(9) Any person whose name has been presented under this section as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

Filing of petitions.

(10) If either the original or the amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn nor added to and no signature shall be revoked thereafter.

Preservation of petitions.

(11) The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this section.

Election proclamation.

(12) Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty days before the election certify such list as being the list of candidates nominated as required by the charter of Stockton, and the council shall cause said certified list of names and offices to be filled, designating whether for a full term or unexpired term, to be published in the proclamation calling the election at least three successive days, commencing seven days before the election, in not more than one daily newspaper of general circulation published in the city of Stockton. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as above required.

Form of ballots.

(13) The city clerk shall cause the ballots to be printed and bound and numbered as provided for by state law except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation and shall be in substantially the following form:

GENERAL (OR SPECIAL) MUNICIPAL ELECTION.

CITY OF STOCKTON.

(Inserting date thereof.)

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear, or deface this ballot, return it to the inspector of election, and obtain another.

Requirements of ballot.

(14) All ballots printed shall be precisely on the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right hand side for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

Every nominee to be on ballot.

(15) The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

Arrangement of offices on ballot.

(16) The offices to be filled shall be arranged in separate columns in the following order:

"For mayor (if any) vote for one."

"For councilmen (if any) vote for (giving number)."

"For school directors (if any) vote for (giving number)."

Space for voting cross.

(17) Half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

Blank spaces for additional candidates.

(18) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Sample ballots.

(19) The clerk shall cause to be printed sample ballots identical with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

Vote necessary for election.

(20) In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office, shall be declared elected; in case there are two or more persons to be elected to an office, as that of councilman or school director, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; *provided, however*, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one half the number of ballots cast at such election.

Second election.

(21) If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election; *provided*, that if there be any person, who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office.

Rules governing second election.

(22) All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that proclamation of election shall be published twice only, and provided also that the same precincts and polling places shall, if possible, be used.

Failure of person elected to qualify.

(23) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as hereinafter provided.

Informalities in election.

(24) No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

General election regulations.

(25) The provisions of the State law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections; *provided*, that the council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election.

Qualifications of voters.

(26) No person shall be entitled to vote at any election held under the provisions of this charter, unless he shall be a qualified elector of the county, enrolled upon the

great register thereof and in the precinct in which he votes at least twenty-five days next preceding said election and shall have resided in the city of Stockton for at least thirty days preceding such election. At any election held under the provisions of this charter, the last printed great register of the county shall be used and any elector whose name is not upon such printed register shall be entitled to vote upon producing and filing with the board of election a certificate under the hand and official seal of the county clerk showing that his name is registered and uncanceled upon the great register of the county; *provided*, that he is otherwise qualified to vote as previously set forth in this section.

ARTICLE III.

RECALL OF ELECTIVE OFFICERS.

Applies to all elective officers.

SEC. 10. Every incumbent of an elective office, whether elected by popular vote or appointed to fill a vacancy, is subject to recall by the voters of the city. The procedure to effect such removal from office shall be as follows:

Petition for recall.

(1) A petition signed by qualified electors, equal in number to twenty per centum of the entire vote cast for mayor at the last preceding general municipal election at which a mayor was elected, demanding an election of a successor of the officer sought to be removed, shall be addressed to the council and presented to the city clerk. The petition may request such election to be held at a special municipal election or at the next general municipal election. The petition must contain a statement of the reasons for the demand.

Provisions of section 6 apply.

(2) The provisions of Section 6 respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

Election under recall petition.

(3) If the officer sought to be removed shall not resign within five days after the petition is filed by the city clerk, and if the petition requests a special election, the council shall cause a special election to be held within forty-five days to determine whether the people will recall said officer, or, if a general municipal election is to occur within ninety days, the council may in its discretion postpone the holding of such election to such general municipal election.

Grounds of recall. Officer's justification.

(4) In the published call for the election there shall be printed in not more than two hundred words the reasons for demanding the recall of the officer as set forth in the recall petition, and in not more than two hundred words the officer may justify his course in office.

Candidates. Election.

(5) The officer sought to be removed shall be deemed a candidate and, unless he resigns, his name shall be printed on the ballot. The nomination of other candidates and the election shall be in accordance with the provisions of Section 6.

Incumbent removed.

(6) The officer sought to be removed shall, if he do not resign, continue to perform the duties of his office until the election, and, if he fail of election, he shall be deemed removed from office.

No recall petition for first three months.

(7) No recall petition shall be filed against any officer until he has actually held his office for at least three months.

Incapacity of recalled official.

(8) No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

Further regulations.

(9) The council may by ordinance make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of Section 6 thereto.

ARTICLE IV.

ELECTIVE OFFICERS.

The elective officers.

SEC. 15. The elective officers of the city of Stockton shall be a mayor, four councilmen, and five school directors.

The council shall consist of the mayor and four councilmen, each of whom, including the mayor, shall have the right to vote on all questions coming before the council, but the mayor shall have no other vote than such vote as member of the council.

The board of education shall consist of five school directors, each of whom shall have the right to vote on all questions coming before the board.

Elected at large.

SEC. 16. The mayor, councilmen and school directors shall be elected at the general municipal election on a general ticket from the city at large.

Eligibility of mayor, councilmen and school directors.

SEC. 17. To be eligible for the office of mayor, councilman, or school director, a person must be a citizen of the United States and a qualified elector of the State of California, and of the city of Stockton, and have been a resident of the city of Stockton for three years.

Vacancy in office of mayor or councilman.

SEC. 18. If a vacancy shall occur in the office of mayor or councilman, the council shall appoint a person to fill such vacancy. If at any municipal election held under Subdivision 21 of Section 6 of this charter a mayor, or the required number of councilmen be not elected by reason of a tie vote among any of the candidates therefor, then the council after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons receiving such tie vote to fill such office as in the case of a vacancy therein. In each case the person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election.

Vacancy in office of school director.

SEC. 19. If a vacancy shall occur in the office of school director, the board of education shall appoint a person to fill such vacancy. If at any municipal election held under Subdivision 21 of Section 6 of this charter a school director be not elected by reason of a tie vote among any of the candidates therefor, then the board of education after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons receiving such tie vote, to fill such office as in case of a vacancy therein. In each case a person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election.

Mayor's term of office.

SEC. 20. The mayor shall hold office for a term of four years from and after the first Monday in January after his election, and until his successor is elected and qualified.

Councilmen's term of office.

SEC. 21. The councilmen shall hold office for a term of four years from and after the first Monday in January after their election and until their successors are elected and qualified; *provided*, that the councilmen first elected under this charter shall, at their first meeting, so classify themselves by lot that two of them shall hold office for two years and two of them for four years. At each general municipal election after the first under this charter, there shall be elected two councilmen.

School director's term of office.

SEC. 22. The school directors shall hold office for a term of four years from and after the first Monday in January after their election and until their successors are elected and qualified; *provided*, that the school directors first elected under this charter shall, at their first meeting, so classify themselves by lot that two of them shall hold office for two years and three of them for four years. At each general municipal election after the first under this charter the number of school directors to be elected shall be equal to the number of terms to expire, under the aforesaid provisions, on the ensuing first of January, to wit, alternately two or three.

Official bonds.

SEC. 23. The mayor, each councilman and each school director shall, before entering upon the duties of his office, give and execute to the city a personal bond or a bond with a surety company, the mayor in the penal sum of ten thousand dollars, each councilman in the penal sum of five thousand dollars, and each school director in the penal sum of two thousand five hundred dollars, the city of Stockton to pay the cost of acceptable surety company bonds, if such are given. Every bond shall contain the condition that the principal will well, truly, honestly and faithfully perform the duties of his office. The bonds of the mayor must be approved by the council and the bonds of the several councilmen and school directors must be approved by the mayor. The council shall fix the amount of bonds and the methods of their approval to be required of appointive officers. The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, when approved, shall be filed with the city clerk. All the provisions of any law of this State, relating to official bonds, not inconsistent with this charter, shall be complied with.

Oath of office.

SEC. 24. Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution of this State, and shall file the same with the city clerk.

Salaries.

SEC. 25. The mayor shall receive an annual salary of three thousand dollars, payable in equal monthly installments.

Each councilman shall receive an annual salary of twenty-four hundred dollars, payable in equal monthly installments.

Administering oaths. Subpoenas.

SEC. 26. Every elective officer, every chief official and every member of any board or commission provided for in this charter shall have the power to administer oaths and affirmations, and every such officer, board or commission shall have the power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such officer, board or commission. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such officer, board or commission or to answer any question which any officer, or a majority of such board or commission shall decide to be proper, and pertinent, he shall be deemed in contempt, and any such officer, board or commission shall have power to take the proceedings in that behalf provided by the general laws of this State. The chief of police must, on request of such officers, or of any member of such board or commission, detail a police officer or police officers to serve such subpoena.

ARTICLE V.

THE MAYOR.

The chief executive.

SEC. 30. The mayor shall be the chief executive of the city. He shall be charged with the general oversight of the several departments of the municipal government and may suggest and advise in all matters thereof. He shall see that all contracts with the city are faithfully performed and that all the ordinances of the city are duly enforced.

Mayor pro tempore.

SEC. 31. During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor *pro tempore*. In case of the temporary absence or disability of both the mayor and vice-president, the council shall elect one of its members to be mayor *pro tempore*. In case of vacancy in the office of the mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

Mayor's reports.

SEC. 32. The mayor shall annually and from time to time give the council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

Mayor to have city's books examined.

SEC. 33. The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a competent accountant, who shall examine, at least twice each year, the books, records and reports of the auditor and of all officers and employees who receive or disburse city moneys, and the books, records, and reports of such other officers and departments as the mayor may direct, and make triplicate reports thereof, and present one each to the mayor and auditor and file one with the city clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant.

Supervision of public utility companies.

SEC. 34. The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed. The mayor shall, and the council may, cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and to revoke, cancel or annul all franchises that may have been granted by the city to any person, firm or corporation which have become forfeitable in whole or in part or which for any reason are illegal, or void, or voidable, or negligently exercised or not binding upon the city. The city attorney, on demand of the mayor, or of the council, must institute and prosecute in the name of the city the necessary actions to enforce the provisions of this section.

Powers and duties prescribed by ordinance.

SEC. 35. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or by ordinance, or by resolution of the council.

ARTICLE VI.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

The four municipal departments.

SEC. 40. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to four departments, as follows:

1. Department of finance, revenue and public supplies.
2. Department of public health and safety.
3. Department of public works.
4. Department of audit.

The four commissioners.

SEC. 41. The council at its first regular meeting after the election of its members, shall designate by majority vote one councilman to be commissioner of finance, revenue and public supplies, who shall be ex officio treasurer, one to be commissioner of public health and safety, one to be commissioner of public works and one to be commissioner of audit, who shall be ex officio auditor. If the council is unable to agree, the mayor shall have authority to make such designation. The council may change any designation, whenever it determines that the public service will be benefited thereby.

Council to assign duties to the departments.

SEC. 42. Each commissioner is charged and empowered to act executively and administratively in all matters within the scope of his department as indicated by the names of the departments given in the two sections next preceding. He shall have power to select, direct and discharge the employees of his department and persons employed in or upon matters within the scope of his department. The council may further effectuate the intended departmental distribution of executive and administrative powers, duties and subject matters by enacting ordinances which shall more particularly and exactly define the powers, duties and subject matters of each department, and by ordinance make general rules and regulations for the efficient and economical conduct of the business of the city, but shall have no power to impair or defeat the intended distribution of certain duties, powers and subject matters to its appropriate department and commissioner. As between any commissioner and the council the legislative determination or distribution of duties, powers or subject matters by the council shall be final, but as between the people and any member of the council the inability or failure of such member to act wisely or effectively in the matters of such determination or distribution of such duties, powers or subject matters shall be a reason for his recall as provided elsewhere in this charter. Nothing herein contained shall prevent the council from acting by resolution in a specific case not otherwise provided for, or prevent two or more departments or commissioners from harmonizing their action so far as may be necessary or convenient for the best conduct of the specific matter in hand.

The chief appointed officials.

SEC. 43. The chief appointed officials of the city shall be city clerk, assessor, tax collector, attorney, engineer, chief of police, fire chief, street superintendent, health officer and five library trustees. They shall be appointed and may be removed by a majority vote of the council, and the vote, whether for appointment or removal, shall be taken as to each officer separately. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in charge of one such officer the functions and duties of two or more of such officers. The council shall, by ordinance, or by resolution, prescribe the duties of all the chief officials, but in so doing shall have no power to limit, impair or defeat the paramount executive and administrative authority of the commissioners of the departments, as such authority is contemplated in Sections 40, 41 and 42 of this article and throughout this charter. The council shall at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed by resolution to the appointment of the chief officials of the city and the determination of their duties as provided in this section.

Subordinate officers and employees.

SEC. 44. The council shall have power by ordinance, or by resolution, to create and discontinue offices, deputyships, assistantships and employments other than those prescribed in this charter, to provide the modes of filling them, to prescribe the duties pertaining thereto, according to its judgment of the needs of the city, and to determine the mode of removing any such officer, deputy, assistant, or employee, except as otherwise provided in this charter.

Compensation of officers and employees.

SEC. 45. The compensation of all city officers provided for by Section 43 of this charter, except library trustees and school directors, who shall receive no remuneration, shall be by salary to be fixed by the council. The council shall also fix the compensation of all other officers and employees of the city, except as in this charter otherwise provided. No officer or employee shall be allowed any fees, perquisites, emolu-

ments, rewards or compensation, aside from the salary or compensation as fixed by the council, but all fees received by him in connection with his official duties shall be paid forthwith by him into the city treasury.

Reports of departments.

SEC. 46. Each department and commission shall annually, on such date as may be fixed by the council, and at such other times as the council may by resolution demand, render to the mayor a full report of all operations of such department or commission.

Reports to be published.

SEC. 47. The council shall provide for the publication of the annual reports of the mayor and of the several departments and commissions.

Councilman to hold no other office.

SEC. 48. No member of the council shall be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected.

Officers not to be interested in contracts or franchises.

SEC. 49. No officer or employee of the city shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city or by virtue of legal process at the suit of the city. No officer or employee of the city shall be in the employ of any public service corporation in the city or of any person having any contract with the city or of any grantee of a franchise granted by the city.

Any contract or agreement made in contravention of this section shall be void.

Any officer who shall violate any of the provisions of this section shall forfeit his office.

ARTICLE VII.

THE COUNCIL.

The council, the governing body.

SEC. 55. The council shall be the governing body of the municipality. It shall exercise the corporate powers of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the Constitution of the State.

President and vice-president.

SEC. 56. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

Meetings of council.

SEC. 57. The council shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

Meetings to be public.

SEC. 58. All legislative sessions of the council, whether regular or special, shall be open to the public.

Quorum.

SEC. 59. A majority of the members of the council shall constitute a quorum for the transaction of business.

Rules of proceeding.

SEC. 60. The council shall establish rules for its proceedings, may punish its members for disorderly conduct and compel the attendance of its members at council meetings. Every member, when present, must vote upon all propositions.

Ordinances and resolutions.

SEC. 61. (1) The council shall act only by ordinance or resolution.

Ayes and noes.

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council.

Majority vote of council.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council.

Subject and title.

(4) Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and every ordinance making appropriations shall be confined to the subject of appropria-

tions. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

Enacting clause of ordinances.

(5) The enacting clause of all ordinances passed by the council shall be in these words: "Be it ordained by the council of the city of Stockton as follows:".

Requirements of an ordinance.

(6) To constitute an ordinance a bill must before final action thereon be passed to print and published in a daily newspaper of general circulation in the city of Stockton with the ayes and noes for three days, and, in case of any amendment being made thereto before the final adoption of the ordinance, must in like manner be republished as amended for two days.

Ordinances required in certain cases.

(7) No action for the appropriation, acquisition, sale or lease of public property, or levying any tax or assessment, or granting any franchise, or establishing or changing fire limits, or imposing any penalty shall be taken except by ordinance, provided that where the council takes action in pursuance of general laws of the State it may proceed in any manner permitted or required by such laws.

Deliberate action for expenditure of six hundred dollars and more.

(8) No action authorizing any specific improvement, unless the cost of such improvement be less than six hundred dollars, or involving or authorizing the appropriation or expenditure of public money, except in sums less than six hundred dollars, shall be taken otherwise than at a regular meeting or adjourned regular meeting of the council, nor unless as many as five full days shall have intervened after the day upon which the authorizing resolution or ordinance shall have been introduced for passage or adoption and before the day of the passage or adoption of such resolution or ordinance; *provided, however*, that in the presence of a great public calamity or distress, such as extraordinary fire, flood, epidemic, disease, or any other similar public calamity or distress, relief measures within the powers of the council may be taken forthwith by the unanimous vote of the council.

Reconsideration.

(9) When any bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council held not less than one week after the meeting at which such motion was made.

Signing and attesting.

(10) The mayor shall sign and the clerk shall attest all ordinances and resolutions duly passed by the council.

Revision and amendment.

(11) No ordinance shall be revised, reenacted or amended by reference to its title only; but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

Repeal.

(12) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

Ordinances granting franchises.

(13) No bill for the grant of any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration.

Record of city ordinances.

(14) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and may, in the custody of the city clerk or his representative, be taken, within the limits of the city, into any court or for any legal proceeding.

Protection of absent commissioner.

SEC. 62. In the absence of a commissioner no final action shall be taken in any matter concerning his department except at a regular meeting, nor unless such business has been made a special order at a meeting at which such councilman was present.

Publication of charter and ordinances.

SEC. 63. The council, from time to time, may cause all ordinances in force at such time to be classified under appropriate heads, and, together with, or separately from, the charter of the city, publish the same in book form.

ARTICLE VIII.

POWERS OF THE CITY AND OF THE COUNCIL.

General powers of the city.

SEC. 70. Without denial or disparagement of other powers held under the Constitution and laws of the State, the city of Stockton shall have the right and power.

Public buildings, works and institutions.

(1) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, art galleries, exhibition buildings, auditoriums, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction, farm schools, work houses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning plants, street sprinkling plants, sewers, sewer outlets, sewage disposal plants, quarries, gravel pits, sand pits, clay pits, wharves, docks, waterways, canals, and all other public buildings, structures, works, apparatus, institutions and places.

Water, light, heat and power.

(2) To provide for supplying the city and its inhabitants or the city or its inhabitants with water, gas and electricity or any one or more of the same or with any other means of heat, illumination, power or refrigeration; to provide for supplying light, water, power and refrigeration or any one or more of the same for municipal public buildings and places; to provide for supplying water and light for the public streets; to provide water and power for the extinguishment of fires by the municipal agencies; to acquire by purchase, condemnation, construction, lease, or otherwise, and to own, equip, operate and maintain plants and apparatus for the production, distribution and management, or production or distribution or management of water, gas, electricity, heat, power or refrigeration, in any of their forms, singly or in any combination of the same, by pipes, wires, or other means, and for any or all of the uses or purposes in this section mentioned aforesaid.

Telephone, telegraph, railroads, transportation.

(3) To acquire by purchase, condemnation or otherwise and to establish, maintain, equip, own and operate or acquire or establish or maintain or equip or own or operate telephone systems and telegraph systems or telephone systems or telegraph systems, for the use of the city and its inhabitants or the city or its inhabitants.

To acquire, construct, maintain and operate or acquire or construct or maintain or operate, for the use of the city and its inhabitants or the city or its inhabitants, or for other public uses or any public or municipal use, railroads of any kind and transportation service of any kind or railroads of any kind or transportation service of any kind.

To do and have the things and powers specified in this subdivision (3) aforesaid within the territorial limits of the city of Stockton. To do and have the things and powers specified in this subdivision (3) aforesaid outside of the territorial limits of the city of Stockton, but this only to the extent that the railroad or transportation service may be necessary or convenient for the public use by the city or its inhabitants of any land, park, building, structure, works, improvement, institution, property or right of the city situated outside of its territorial limits.

Short, temporary, ancillary, railroad tracks.

(4) To acquire, construct, maintain and operate or acquire or construct or maintain or operate short or temporary railroad tracks, and also side tracks, turnouts, switches, spur tracks, yard tracks, industry tracks, warehouse tracks, and other similar railroad tracks which may be necessary or convenient and advisable from the public standpoint; and the powers conferred by this subdivision (4) may be exercised independently of as well as in conjunction with the powers conferred in the preceding subdivision (3), and either apart from or in aid of the things in such subdivision (3) authorized; *provided*, that nothing in this subdivision (4) contained authorizes tracks or service for solely private use or benefit.

Purchase and sale of certain utilities.

(5) To buy, and to sell to the inhabitants of the city, gas, electricity, power, water, refrigeration, or any other similar product.

Land for public purposes.

(6) To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose; and to sell, convey, encumber and dispose of the same for the common benefit.

Lease of public utilities.

(7) To lease to corporations or individuals for the purpose of maintenance and operation any public utility owned by the city; *provided*, that such leases shall be made only by ordinance to the highest bidder and for a period not to exceed five years

Bequests and donations.

(8) To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

Borrowing money, bonds.

(9) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor or without issuing bonds therefor; *provided*, that in the procedure for the creation and issuance of bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed, and be applicable even though such laws may not enumerate the specific purpose the city has in view.

Joint ownership of public utilities.

(10) To join with one or more cities, counties or districts, incorporated under the Constitution and laws of the State in the acquisition and maintenance of sewage disposal facilities and plants and in order to acquire and develop jointly a source or sources of water supply, light, refrigeration, heat and power, for any purpose or use within the powers of the city of Stockton and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities, counties or districts, in bond issues for the acquisition and installation of the same.

Sue and defend.

(11) To sue and defend in all courts and places and in all matters and proceedings.

Direct legislation by people.

SEC. 71. The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of the State, to enact appropriate legislation to carry out and enforce any of the general powers of the city or any of the specified powers of the council.

Powers of the council enumerated.

SEC. 72. As the legislative organ of the city, the council, subject to the provisions and restrictions of this charter, shall have power:

Official seal.

(1) To continue the present corporate seal or to provide a new corporate seal with appropriate device, to be affixed to all instruments or writings needing authentication.

Violation of charter and ordinances.

(2) To prescribe fines, forfeitures and penalties for violation of any provision of this charter or of any ordinance.

Nuisances.

(3) To declare what shall constitute a nuisance and to provide for the summary abatement of the same at the expense of the person or persons creating, causing, committing or maintaining such nuisance.

Rewards.

(4) To offer rewards not exceeding two hundred and fifty dollars in any one instance for the apprehension and conviction of any person who may have committed a felony in the city, and to authorize the payment thereof.

Police and fire departments.

(5) To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor.

Police and fire alarm systems.

(6) To establish and maintain a fire alarm and police telegraph or telephone system, and manage and control the same.

Explosives.

(7) To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun-cotton, nitroglycerine, fireworks, firecrackers and other explosive articles, materials and substances.

Inflammable materials.

(8) To regulate the storage of hay, straw, oil, gasoline, benzine and other inflammable or combustible materials.

Engines and boilers.

(9) To regulate the use of steam engines, gas engines, steam boilers, and electric motors, and all other generators of light, heat or power, and to prohibit their use in such localities as in the judgment of the council would endanger public health, safety or comfort.

Fire limits.

(10) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

Building regulations.

(11) To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks, or other structures, and to provide for their summary abatement, destruction, or removal; to provide for the abatement, destruction or removal of unsightly or partially destroyed buildings; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water, gas, or electricity, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

Fire escapes.

(12) To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

Precaution against fires.

(13) To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactures liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible or explosive material in unsafe places, and to make provisions to guard against fires.

Provisions for safety in theaters, halls, etc.

(14) To regulate the size, construction, and lighting of the entrances to and exits for all theaters, lecture rooms, halls, schools, churches, and other places for public gatherings of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein, and to regulate the size and position of aisles, open places, stairways and exits in such theaters, lecture rooms, halls, schools, churches and other places for public gatherings of any kind.

Provisions for safety in workshops and factories.

(15) To regulate the location of workshops and factories, the size and position of hallways, aisles, open places, stairways, elevators, entrances and exits in such shops and factories and the size, construction and lighting of such workshops and factories and to provide in any manner or particular for the safety of the occupants of the same.

Provisions for safety in streets.

(16) To regulate the speed of railroad trains, engines and cars, street, interurban and other railroad cars in or passing through the city, and to require persons, firms or corporations operating street, interurban or other railroads in the city to station flagmen, to place gates or other safety devices and construct and use bridges, viaducts, tunnels or subways at street crossings and at railroad crossings as the council may deem proper. To require street cars and local trains to be provided with fenders or other appliances for the better protection of the public. To prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city. To regulate the speed with and the manner in which persons may ride or drive or propel bicycles, automobiles, motor cycles, or other vehicles along or upon any of the streets or highways of the city.

Improper use of streets.

(17) To regulate or prohibit the exhibition, posting or carrying of banners, placards, posters, cards, pictures, signs or advertisements in or on the street, or on or upon buildings, fences, billboards or other structures, or on or upon any pole in any sidewalk, alley, street, lane, court, park or other public place; to regulate or prohibit the suspension of banners, flags, signs, advertisements, posters, pictures or cards across or over any sidewalk, alley, street, lane, court, park, or other public place, or such suspension from fences, poles, houses, or other structures; to regulate or prohibit traffic, business, peddling or selling of goods, wares, merchandise or other things in or upon any sidewalk, street, alley, lane, court, park or other public place; to regulate or prohibit the flying of kites in or from any sidewalk, alley, street, lane, court, park or other public place; to prohibit and prevent encroachments upon or obstruction in or to any sidewalk, street, alley, lane, court, park or other public place, and to provide for the removal of such encroachment or obstruction.

To regulate all public meetings and gatherings, parades and processions in the streets or parks, and to determine what public meetings, gatherings, parades or processions upon the streets or parks shall be unlawful and to declare the same nuisances.

Weeds and rubbish on sidewalks, and in lots.

(18) To compel the owner, lessee or occupant of buildings, grounds or lots to remove dirt, rubbish, weeds and rank growths from the sidewalk opposite thereto, and from the building or grounds, and on his default, after such notice as the council may prescribe, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner, lessee or occupant, and, by such procedure as the council may prescribe, to make such expense a lien upon such buildings or grounds.

Billboards and signs.

(19) To regulate, license or prohibit the construction and use of billboards and signs.

Animals.

(20) To regulate and prevent the running at large of animals; to provide for the destruction of vicious or diseased animals, and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

Public pound.

(21) To prevent or regulate the running at large of any animals, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large. To establish routes and other regulations for driving or taking loose animals or droves or bands of animals through the city or any part thereof.

Cruelty to animals.

(22) To prohibit and punish cruelty to animals, and to require the places where they are kept to be maintained in a clean and healthful condition.

Keeping of animals.

(23) To regulate the keeping of animals within the city in pens, corrals, stables or otherwise.

Preservation of health.

(24) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

Dangerous and offensive occupations; disagreeable noises.

(25) To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such a nature as to affect the public health or good order of the city or disturb the public peace, or which may be offensive or dangerous, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises or odors.

Inspection of food products.

(26) To provide for and regulate the inspection of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk, and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

Dairies.

(27) To provide for and regulate the inspection of all dairies that offer for sale or sell any of their products in the city.

Lodging, tenement and apartment houses.

(28) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same, and to require that they be put and kept in proper sanitary condition.

Sewer connections.

(29) To regulate or prohibit the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning, draining or emptying of the same, and to designate the time and manner in which the work of cleaning, draining or emptying the same shall be done.

Garbage.

(30) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

Licensing businesses.

(31) To license for purposes of regulation and revenue all and every kind of business transacted or carried on in the city; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

Regulation of pawnbrokers, auctioneers and others.

(32) To regulate and control the business of pawnbrokers, junk dealers, peddlers, dealers in second hand merchandise, auctioneers and employment office keepers, and prescribe the mode of conducting the same.

Regulation of public vehicles.

(33) To establish stands for hacks, public carriages, express wagons, automobiles, and other public conveyances for hire, and to regulate the charges of such hacks, public carriages, express wagons and other public conveyances, and to require schedules of such charges to be posted in or upon such public conveyances.

Weights and measures.

(34) To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed.

Public shows. Gambling.

(35) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling and fraudulent devices and practices, the selling of pools, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance, and to authorize the confiscation and destruction of all instruments used for the purpose of gambling.

Public order and decency.

(36) To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights, vagrancy, mendicancy, prostitution, and all offensive, immoral, indecent and disorderly conduct and practices in the city.

Taxation.

(37) To levy and collect taxes upon all the real and personal property within the city.

Erroneously collected taxes.

(38) To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

Fees.

(39) To fix the fees and charges for all official services.

Mayor's urgency fund.

(40) To provide an urgent necessity fund not exceeding five hundred dollars a year, to be expended under the direction of the mayor.

Lease of lands owned by the city.

(41) To provide for the lease of any lands now or hereafter owned by the city, but all leases shall be made at public auction to the highest responsible bidder at the highest rent, after publication of notice thereof for one week, stating explicitly the time and conditions of the proposed lease; *provided*, that no such lease shall be for a period longer than five years, and the council may in its discretion reject any and all bids.

Purchase of property under execution.

(42) To provide for the purchase by the city of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Sale of useless personal property.

(43) To provide for the sale at public auction, or at private sale, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Trusts.

(44) To provide for the execution of all trusts confided to the city.

Street grades.

(45) To establish or change the grade of any street or public place.

Street work.

(46) To do, make, construct and provide for work, improvements, structures, grading, conduits and ornamentation in and on public streets, avenues, lanes, alleys, courts, ways and places: to order the whole or any portion or portions, either in length or width of any one or more of the streets, avenues, lanes, alleys, courts, places or public ways of any such city graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, oiled or reoiled, and to order the construction or reconstruction therein of sidewalks, crosswalks, culverts, bridges, gutters, curbs, steps, parkings and parkways, sewers, ditches, drains, conduits and channels for sanitary and drainage purposes or either or both thereof, with outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances: pipes, hydrants, and appliances for fire protection; tunnels, viaducts, conduits and subways, breakwaters, levees, bulkheads and walls of rock or other material to protect the same from overflow or injury by water; and poles, posts, wires, pipes, conduits, lamps and other suitable or necessary appliances for the purpose of lighting said streets, avenues, lanes, alleys, courts, places or public ways: the planting of trees thereon, and the construction or reconstruction in, over or through property or rights of way owned by such city, of tunnels, sewers, ditches, drains, conduits and channels for sanitary and drainage purposes or either or both thereof, with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances, pipes, hydrants and appliances for fire protection and breakwaters, levees, bulkheads and walls of rock or other material to protect the streets, avenues, lanes, alleys, courts, places, public ways and other property in any such city, from overflow by water, and to order any work to be done which shall be deemed necessary to improve the whole or any portion of such streets, avenues, sidewalks, lanes, alleys, courts, places, or public ways or property or rights of way of such city: to cause shade trees, plants and grass to be set out, planted and cultivated therein, and to provide for the care of the same; and also, to order drainage or sanitary sewers to be constructed on or through private property. Whenever, in the judgment of the council or the people, the cost and expense of any of the improvements (meaning every kind in this subdivision (46) aforementioned) is to be paid by special assessments on private property, the general laws of the State of California in force at the time of the improvement shall govern and control and all the proceedings shall be thereunder and in conformity thereto.

Street opening.

(47) To order the opening, extending, widening, straightening or closing of any street, lane, alley, court or public place within the city, and to condemn and acquire any and all property necessary or convenient for those purposes. Whenever, in the judgment of the council or of the people, the cost and expense of any of the foregoing improvements in this subdivision (47) mentioned, is to be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, except that all the duties of the commissioners and secretaries shall be performed by or under the direction of the commissioner of public works of the city, who shall receive no compensation therefor. To make provision for the deposit with the treasurer, by any person, firm or corporation desiring to open any sidewalk, street, alley, lane, court, park or other public place, for the purpose of laying or removing any pipe, wire, conduit, sewer or other structure therein, of moneys sufficient to cover the cost of refilling and covering such opening and restoring the sidewalk, street, lane, alley, court, park or other public place to the condition in which it was before such opening was made, and to provide for the doing of such work at the expense of the person, firm or corporation making such opening, such expense to be paid out of such deposit.

Boulevards.

(48) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall ever be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote, as provided in this charter.

Water front and wharves.

(49) To improve, keep in repair and control the water front of the city, to fix the rates of wharfage, dockage, bankage, and tolls, and provide for the collection thereof, to license, regulate and control the landing, anchorage and mooring of steamboats, sailing vessels, barges, rafts, tug boats, house boats, and all other watercraft within the jurisdiction of the city.

Regulation of public utility rates.

(50) To fix and determine by ordinance the rates or compensation to be collected by any person, firm or corporation in the city, for water, gas, electricity, heat, light, power or telephone service, supplied to the city or to the inhabitants thereof, and to prescribe the quality of the service.

Regulation of railroads.

(51) To regulate railroads, their tracks and cars, to compel the owners of two or more railroads using the same street for any distance not exceeding ten blocks, to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between or among them.

Railroads to keep streets in repair.

(52) To require any person, firm or corporation exercising or enjoying any franchise, permit or privilege in, over, under, or along any of the streets, highways or public places in the city for railway purposes, to sprinkle, clean, plank or replank, pave or repave, macadamize or remacadamize the entire length of the street, highway or other public place used by the track or tracks of said railway, and between the rails, and for two feet on each side thereof, and between the tracks, if there be more than one, and to keep the same constantly in repair, flush with the street, and with good crossings, and to require such street work to be done with such kind of materials and in such manner as the council may by ordinance direct, at the same time and as a part of the same operation as the work on the remainder in width of said street, highway or other public place.

Spur tracks.

(53) To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroad which now enters or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose for excavating or filling a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

Regulation of poles and wires.

(54) To cause the removal of poles and posts and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city; and to cause the removal of all anchor posts or anchor wires or any other device for bracing poles, and to prevent the placing of any such devices.

Size and location of pipes.

(55) To regulate the quality, size and location of all water pipes, gas pipes, mains, fire plugs, hydrants, and all other pipes and conduits laid or constructed in the streets and public places; to regulate the construction, maintenance and repair of the same, and to require the filing of charts and maps showing the size, character and location of such mains, pipes, hydrants, fire plugs, conduits and other like matters.

Elections.

(56) To make all rules and regulations governing elections not inconsistent with this charter.

Civil service commission.

(57) To establish a bureau of civil service and to appoint a commission, to serve without compensation, to administer the same under rules and regulations to be made by the council. Such commission shall, among other things, provide for the classification of all employments in the administrative service of the city not excepted by the provisions of this charter, by the council or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies may be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

Firemen's pension fund.

(58) To establish, maintain, regulate and provide for the distribution for the relief of such exempt members of the "Old Volunteer Fire Department" of the city of Stockton as shall have become incapacitated in course of duty in said department or debilitated by age or sickness, a fund to be known as the Firemen's Relief Fund, and to so provide in the tax levy as that such levy shall yield each year as and for such fund a sum of not less than five hundred dollars.

Policemen and firemen's pension fund.

(59) To provide a pension and relief fund for policemen and firemen.

General charter powers.

(60) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or any of the provisions of this charter.

Powers mentioned in constitution.

(61) Nothing in the foregoing specification of powers shall prevent the city from making and enforcing within its limits all such local, police, sanitary and other regulations as are not in conflict with general laws.

ARTICLE IX.

FINANCE AND TAXATION.

The fiscal year.

SEC. 75. The fiscal year of the city shall commence upon the first day of January of each year, or at such other time as may be fixed by ordinance.

Tax system.

SEC. 76. The council shall by ordinance provide a system for the assessment, levy and collection of all city taxes. The council shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the city of Stockton is situated and taxes collected by the tax collector of said county for and on behalf of the city of Stockton. Other provisions of this charter concerning the assessment, levy, and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

Department estimates of annual requirements.

SEC. 77. On or before the first Monday in October in each year or on such date in each year as shall be fixed by the council, the heads of departments, offices, boards, and commissions shall send to the commissioner of finance, revenue and public supplies a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

Annual estimate of city's requirements and revenue.

SEC. 78. On or before the first Monday in November in each year, or on such date in each year as shall be fixed by the council, the commissioner of finance, revenue and public supplies shall submit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding funded indebtedness of the city, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Annual budget.

SEC. 79. The council shall meet annually not later than thirty days prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the council may deem advisable. No part of the items so allowed each department, office, board or commission shall be transferred to any other department, office, board or commission, unless by unanimous consent and the consent of the department, office, board or commission affected.

Board of equalization.

SEC. 80. The council shall meet at their usual place of holding meetings on the second Monday in January of each year or at such date in each year as shall be fixed by the council, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day for six days. They shall have power, on their own motion, with or without complaint made, to correct, modify, strike out, raise or lower any assessment in any way they shall deem just and proper; *provided, however*, that before making any raise in any assessment, the board shall notify the person interested by letter deposited in the post office, post-paid and addressed to such person, at least two days before action taken, of the day fixed when the matter will be investigated. They shall have power upon completion of this equalization to raise or lower the entire assessment by a uniform percentage.

Annual tax levy.

SEC. 81. The council must finally adopt, not later than six days after completion of the equalization, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

Permanent water front improvement.

SEC. 82. For the purpose of providing for permanent water front improvements four per cent of the revenue actually collected for general purposes shall be set aside and applied to the construction of permanent improvements along the channels fronting on public streets and levees within the corporate limits of the city.

Cash basis fund.

SEC. 83. The council may create and maintain a permanent revolving fund, to be known as the cash basis fund, for the purpose of putting the payment of the running expenses of the city on a cash basis. For this purpose the council shall provide that, from the money collected from the annual tax levy and from money received from other sources, a sum equal to not less than five cents on each one hundred dollars of the assessed value of said property shall be placed in such fund until the accumulated amount in such fund shall be sufficient to meet all legal demands against the treasury for the first four months or other necessary period of the succeeding fiscal year.

The council shall have power to transfer from such cash basis fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the council to provide that all money so transferred from the cash basis fund be returned thereto before the end of the fiscal year.

Tax liens.

SEC. 84. All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach each year as of the first Monday in the fourth month preceding the fiscal year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption as it may be struck off and sold to the State when offered for sale for state and county taxes; and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

Duties of the auditor. Books, receipts.

SEC. 85. (1) The auditor shall keep and number a record of all demands allowed by him showing the date of approval, amount, and name of original holder, the number, on what account and out of what fund payable. It shall be his duty to be constantly acquainted with the exact condition of the treasury. He shall within one week after the close of each month, or oftener if required, report to the council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth in a plain and businesslike manner every money transaction of the city, so that he can at any time tell the exact condition of the city's finances. He shall make an annual report showing the sources from which the city's revenue was derived and how expended. The auditor must prepare, countersign and deliver, from time to time, or as required, to the proper officer, agent or employee, all licenses and other receipts, charging him therewith and taking his receipt therefor.

Warrants and demands.

(2) He shall draw and sign all warrants upon the treasury. Every demand against the city, from whatever source, when allowed by the council or proper board, shall have stamped upon it the date of approval by such body, and shall be signed by the president of such body, and shall then be presented to the auditor, who shall satisfy himself whether the money is legally due and remains unpaid and its payment authorized by law and out of what fund. After such examination he shall approve or reject the claim in whole or in part and indorse on such demand his approval or rejection over his signature, together with the date thereof. If it is approved, the fund out of which it is to be paid shall be designated. If it is not

approved, unless the party presenting it is willing to take in full for the entire demand the sum offered, the auditor shall reject it and return it, with his reasons for rejection, to the body which originally authorized it; then, if it is allowed by a four-fifths vote of the entire body authorizing it, it shall be audited in the same manner as if it had not been rejected, provided the body had the authority to make the expenditure out of which the claim arose.

Contents of claims.

(3) No demand upon the city treasury shall be considered, presented for action or acted upon, allowed or approved, unless it specifies on its face each several item composing it, and the amount and date thereof, nor unless the same be verified by the oath of the claimant, or some one in his behalf. Every demand on any fund shall be numbered and acted upon by the auditor in the order of its presentation to him; and when allowed either in whole or in part, the warrant therefor shall be numbered and entitled to payment out of said fund in the same order as allowed.

Deductions and limitations.

(4) No demand upon the treasury shall be allowed by the auditor, in favor of any officer, or other person, or any firm, company, or corporation, or his or its assigns, who is in any manner indebted to the city, without first deducting therefrom the amount of such indebtedness; nor in favor of any officer or other person, or his assigns, having the collection, care, custody or control of public funds, unless the accounts of such officer or other person have been presented, passed, approved, and allowed as is or may be required by law; nor in favor of any officer or other person, or his assigns, who has neglected to make any oath required by law or ordinance, or other regulation of the city council; nor in favor of any officer, or his assigns, who has failed, to the knowledge of the auditor, to do any duty imposed upon him by law or ordinance, or other regulation of the city council.

Certification to treasurer.

(5) He shall on application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, certify to the treasurer the amount thereof, to what fund applicable and by whom to be paid. He shall charge the treasurer with the amount received. It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned, and forthwith notify the treasurer of such apportionment.

Entitled to information.

(6) The auditor shall have the right to require from the different departments, boards and offices, all the information which they possess, and to inspect any book, contract, resolution, or other paper or document in the respective departments, boards or offices; and it is hereby made the duty of all such departments, boards and offices, to furnish the information and permit the inspection when required by the auditor. He shall perform such other duties as may be required of him by law or ordinance.

Disposition of money collected.

SEC. 86. Every official, agent or employee collecting or receiving moneys belonging to for the use of the city shall settle for the same with the auditor on or before the first Monday of each month, or at more frequent intervals as may be directed by the council, and immediately pay all the same into the city treasury, on the order of the auditor. No payment of salary or wages shall be made to any officer, agent or employee who shall be in receipt of moneys payable to the city, until he shall have taken and filed with the auditor his affidavit that he has paid into the city treasury all such moneys theretofore by him received or collected. The council may, in its discretion, provide for the deposit of city moneys in local banks.

Money to meet warrants.

SEC. 87. When the running expenses of the city have been placed on a cash basis, and the fact so determined by the council, warrants payable on demand shall not be drawn upon the treasurer, or against any funds in his hands, only when at the time of the drawing and issuing of such warrants there shall be sufficient money in the appropriate fund in the treasury to pay said warrants.

Uniform accounts and reports.

SEC. 88. The council shall prescribe a system of accounting for all officers of the city who receive or disburse moneys.

ARTICLE X.

PUBLIC WORK AND SUPPLIES.

Form of contracts.

SEC. 95. All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city of Stockton by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

Progressive payments on contracts.

SEC. 96. Any contract may provide for progressive payments, if in the ordinance or resolution authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Public work to be done by contract.

SEC. 97. In the erection, improvement and repair of all public buildings and works, in all street, bridge, wharf and sewer work, and in all work in or about streams, channels, or water front, or in or about bulkheads, embankments or other works for protection against overflow and erosion, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of six hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated for five consecutive days. Such notice shall distinctly and specifically state the work contemplated to be done; *provided, however*, the council may reject any and all bids, and may readvertise for bids, or provide for the work to be done by the department of public works. In case no bid is received, the council may likewise provide for the work to be done by the department of public works.

Contracts for lighting.

SEC. 98. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than five years nor for less than one year, nor shall any contract to pay for electric light or any illumination material at a higher rate than the minimum price charged to any other consumer be valid.

Contracts for water.

SEC. 99. No contract for supplying water for the use of the municipality in any of its departments shall be valid wherein the rates exceed those charged to any other consumer.

Hours of labor.

SEC. 100. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day.

Collusion with bidder.

SEC. 101. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

Collusion by bidder.

SEC. 102. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded in any manner with any other bidder or bidders, person or persons, party or parties, then the contract so awarded shall be null and void, and the council shall advertise for a new contract for said work, or provide for such public work to be done by the department of public works.

Personal liability of officers.

SEC. 103. Any officer of the city authorizing, or aiding to authorize, or auditing, or allowing, or paying any claim or demand upon or against the city treasury or any fund of the city, in violation of any of the provisions of this charter, of the general law or of the Constitution of the State, shall be liable in person, and upon his official bond, to the person or persons damaged by such illegal authorization to the extent of his or their loss by reason of the non-payment of his or their claims.

ARTICLE XI.

FRANCHISES.

Property rights of the city inalienable.

SEC. 120. The rights of the city in and to its water front, wharf property, land under water, public landings, wharves, docks, streets, highways, parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

No use of streets without a franchise.

SEC. 121. No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the Constitution of California or of the Constitution or laws of the United States, in, upon, over, under and along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this charter.

Ordinance in plain terms.

SEC. 122. No franchise, permit or privilege or license shall be considered as granted by any ordinance except when granted in said ordinance in plain and unambiguous terms, and any and every ambiguity therein shall be construed in favor of the city and against the claimant under such ordinance.

Franchise specify streets.

SEC. 123. All franchises, permits or privileges for railroads, street railroads, suburban or interurban railroads hereafter granted shall plainly specify on what particular streets, alleys, avenues or other public property the same shall apply, and all other franchises, permits or privileges shall so specify as far as practicable. No franchise, permit or privilege shall hereafter be granted by the city in general terms or to apply to the city generally.

Franchises to use streets.

SEC. 124. Every franchise or privilege to construct or operate street, suburban or interurban railroads along, upon, over or under any street, highway or other public place or to lay pipes or conduits or to erect poles or wires or other structures in, upon, over, under or along any street, highway or other public place in the city for the transmission of gas or electricity, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

Application for franchises.

SEC. 125. (1) An applicant for a franchise or privilege shall file with the council an application therefor, and thereupon the council shall, if it propose to grant the same, advertise the fact of said application, together with a statement that it is proposed to grant the same, in a daily newspaper of the city. The publication of such advertisement must run for ten successive issues and must be completed not less than twenty and not more than thirty days before any further action can be taken on such application.

Conditions of grant.

(2) The advertisement must state the character of the franchise or privilege it is proposed to be granted, and if it be a street, suburban or interurban railroad, the route to be traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise will be awarded to the bidder offering to pay to the city semi-annually during the life of the franchise the highest percentage of the gross annual receipts received from the use, operation or possession of the franchise; *provided*, that such percentage be not less than two per cent of said gross annual receipts during the first five years, not less than three per cent during the second five years, not less than four per cent during the third five years, and not less than five per cent for the rest of the life of the franchise.

Bidding for the franchise.

(3) At the time of opening the sealed bids, any responsible person, firm or corporation, present in person, or represented, may bid for such franchise or privilege not less than one fourth of one per cent of the gross annual receipts above the highest sealed bid therefor, and such bid so made may be raised not less than one fourth of one per cent of the gross annual receipts by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the council to the person, firm or corporation offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise; *provided*, that if, in the judgment of the council, no adequate or responsible bid has been made, the council may withdraw such franchise from sale or advertise for new bids.

Deposit as guarantee of good faith.

(4) Every application and bid for franchises under this article shall be accompanied by a cash deposit of two thousand dollars or a certified check therefor as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise.

Upon the franchise being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the filing and approval of the surety bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, shall be returned.

Free competition in bidding.

(5) No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale which shall in any wise favor one person, firm or corporation as against another in bidding for the purchase thereof.

Bond.

(6) The successful bidder for any franchise or privilege awarded under this article shall file a bond running to the city to be approved by the council, in the penal sum by it to be prescribed and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond. Such bond shall be filed with the council within five days after such franchise is awarded, and within thirty days after the filing and approval of such bond such franchise shall by the council be granted by ordinance to the person, firm or corporation to whom it shall have been struck off, sold, or awarded, and in case such bond shall not be so filed, the award of such franchise shall be set aside and any money deposited in connection with the awarding of the franchise shall be forfeited and the franchise may, in the discretion of the council, be readvertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

Life of franchises.

SEC. 126. The maximum length of time for which a franchise or privilege to use the streets, highways, alleys, lands, or other public places of the city may be granted to any person, firm or corporation shall be twenty-five (25) years.

Beginning and completion of work.

SEC. 127. Work under any franchise granted in accordance with the terms of this article shall be commenced in good faith within not more than four months from the date of the final passage of the ordinance granting such franchise and diligently prosecuted to completion, and if not so commenced within said time and diligently prosecuted to completion said franchise shall be forfeited. Work under any franchise so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, which time shall be not more than two years from the date of the final passage of the ordinance granting said franchise, and if not so completed and in operation within said time, said franchise shall be forfeited; provided, that if good cause be shown, the council may by resolution extend the time for completion thereof not exceeding three months.

Service and accommodation.

SEC. 128. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodations of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

Rates and charges.

SEC. 129. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers, policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

Right of city to assume ownership.

SEC. 130. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before as stated in the ordinance, the city, at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the city, without any compensation to the grantee.

No conveyance necessary for city's ownership.

SEC. 131. Every ordinance granting any franchise shall further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance.

Lease or assignment of franchise.

SEC. 132. Any franchise granted by the city shall not be leased, assigned or otherwise alienated without the express consent of the city expressed by ordinance, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent: *provided*, that nothing herein shall be construed to prevent the grantees of such franchise from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

Street sprinkling, cleaning and paving.

SEC. 133. Every grant of any franchise or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation, exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the rails of each railway track, and between the lines of double track, and for a space of two feet outside of said tracks.

Examination of company's books. Audit.

SEC. 134. The city of Stockton, by its auditor, or accountants authorized by the auditor, or by the council shall have the right at all reasonable times to examine all the books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the city for the purpose of verifying any of the statements of gross receipts provided for, and for any other purpose whatsoever connected with the duties or privileges of the city or of such person, firm or corporation arising from this charter or from the ordinance granting the franchise, and may audit the same semi-annually.

Annual reports of company.

SEC. 135. Every person, firm or corporation, operating any business under a franchise granted under this article shall file annually with the city auditor on such date as shall be fixed by the council a report for the preceding year. Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation, as the council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the council of all the gross receipts arising from all the business done by said person, firm or corporation within the city of Stockton for the year immediately preceding such report. Such report shall contain such further statements as may be required by the council concerning the character and amount of business done and the amount of receipts and expenses connected therewith, and also the amount expended for new construction, repairs and betterments during such year.

Payment of gross receipts.

SEC. 136. The stipulated percentage of gross receipts shall be paid semi-annually at the time of filing the semi-annual report. Failure to pay such percentage shall work a forfeiture of the franchise. The provisions as to payment of gross receipts shall apply to every person, firm or corporation using or operating the works constructed under such franchise.

Forfeiture for non-compliance.

SEC. 137. Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise or privilege, the same as though in each instance such power was expressly reserved.

No exclusive use of water front tracks.

SEC. 138. No exclusive franchise, right or privilege shall ever be granted by the city or council in, upon or along the water front; but any franchise, right or permit for a railroad track in, over or along the water front shall be subject to the right of any other railroad or railroads to use the same upon payment of a reasonable compensation.

Franchise not in use forfeited.

SEC. 139. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment or which the grantees thereof have not in good faith

commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise. Granting use of streets shall be without prejudice to unused tracks or tracks for which no franchise is extant.

ARTICLE XII.

THE INITIATIVE.

Direct legislation.

SEC. 140. (1) Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal in number to the percentage hereinafter required.

Provisions of section six apply.

(2) The provisions of Section 6 of Article II respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modification as the nature of the case requires.

Twenty per cent petition.

(3) If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the council shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition, subject to a referendary vote, under the provisions of Article XIII of this charter; or

(b) Within thirty days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance without alteration shall be submitted to a vote of the people.

Ten per cent petition.

(4) If the petition be signed by electors equal in number to at least ten, but less than twenty, per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and said ordinance be not passed by the council as provided in the preceding subdivision, then such ordinance, without alteration, shall be submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

Publication of popular ordinance.

(5) Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election either (a) the council shall cause the ordinance or proposition to be printed and it shall be the duty of the clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least three days prior to the election, or (b) the council may order such ordinance or proposition to be printed in a daily newspaper of general circulation of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballots as first above provided.

Election.

(6) The ballots used when voting upon such proposed ordinance shall contain the words "For the Ordinance" (setting forth in full the title thereof and stating the general nature of the proposed ordinance) and "Against the Ordinance" (setting forth in full the title thereof and stating the general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city.

Several ordinances at one election.

(7) Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this article, provided that no ordinance shall be submitted twice within a year.

Limit to special elections.

(8) There shall not be held under this article of the charter more than one special election in any period of six months.

Repeal of popular ordinance.

(9) The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general municipal election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. An ordinance proposed by petition, or adopted by a vote of the people, can not be repealed or amended except by a vote of the people.

Further regulations.

(10) The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of Section 6 of Article II thereto.

ARTICLE XIII.

THE REFERENDUM.

Time for effect of ordinances.

SEC. 145. Except as provided in the following section one hundred and forty-six, no ordinance passed by the council shall go into effect before thirty days after the time of its final passage.

Exceptions to foregoing rule.

SEC. 146. The preceding section one hundred and forty-five shall not apply to ordinances making the annual tax levy, ordinances in proceedings under the general laws of the State for street work of improvements or in any case where the procedure must be or is under such laws, nor to an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a four-fifths vote of the council, but no ordinance granting a franchise shall be construed as an urgency measure.

Petition, selection, procedure, effect.

SEC. 147. If at any time within thirty days from and after the final passage of an ordinance a petition signed by qualified electors of the city equal in number to at least ten per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, such ordinance shall thereupon be suspended from going into effect or operation, and it shall be the duty of the council to reconsider such ordinance, and if upon such reconsideration the ordinance be not entirely repealed, the council shall submit the ordinance, as provided in Article XII of this charter to the vote of the electors of the city, either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of Section 6 of Article II respecting the forms and conditions of the said petition and the mode of verification and filing shall be substantially followed, with such modifications as the nature of the case requires.

Reference of measures to popular vote.

SEC. 148. Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this charter for ordinances or measures submitted on petition. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may be legally submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

Further regulations.

SEC. 149. The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of Section 6 of Article II thereto.

ARTICLE XIV.

THE PUBLIC SCHOOLS.

Powers of city.

SEC. 150. So far as consistent with the Constitution and general laws of the State, the city shall have power to maintain and provide for public schools of any grade, within its territorial limits or territory annexed to the city for public school purposes inclusive of the schools belonging to the public school system of the State.

Control of schools.

SEC. 151. The board of education shall have entire control and management of any public schools within the city or within any school district of which the city is or may become a part and is hereby vested with all the powers conferred and with all the duties imposed upon it by this charter or by the general laws of the State upon boards of school trustees generally, so far as applicable to a city board of education, or upon city boards of education generally, so far as applicable to the city.

General powers of board of education.

SEC. 152. The board of education shall have power, subject to the provisions of this charter and of the Constitution and general laws of the State, to make rules for its own guidance and in direction of the officers, teachers and employees of

the school department, and to control, manage, maintain and conduct the public schools under its charge in such manner and by such means as in the judgment of said board are for the efficiency and good of the public schools under its charge.

President of board.

SEC. 153. The board of education shall annually select one of its members to be its president. He may be removed by a vote of four members. He shall have no other vote than his vote as member of the board.

City superintendent of schools.

SEC. 154. The board of education shall appoint a city superintendent of schools, who shall be the executive officer of the board, who may be required to act as its secretary. The board may define his duties, fix his compensation, and, whenever the laws of the State permit, the term of his office and provisions for his removal therefrom.

Meetings of board.

SEC. 155. The board of education shall provide for regular meetings and may provide for special ones. All meetings shall be public. Three members shall constitute a quorum but a less number may adjourn from day to day and compel the attendance of absenting members.

Term for teaching.

SEC. 156. The teachers of the public schools shall be subject to annual election, but any teacher who has served for as many as two consecutive years in the city's schools may be elected for a longer period, not exceeding three years, which must be definitely specified in and by the elective action, of which a record must be made in the minutes of the meetings of the board.

Manner of selecting teachers.

SEC. 157. It shall be the duty of the city superintendent of schools to prepare and present to the board at suitable times or upon request of the board a list of such persons as in his judgment are the best available for election as teachers, specifying as to each whether generally or for particular work or station.

Assignment of teachers.

SEC. 158. The city superintendent of schools shall, with the advice and consent of the board, make all assignments of principals and teachers, and all transfers, but this provision shall not prevent the superintendent of schools from making temporary transfers or substitutions.

School warrants.

SEC. 159. Every claim payable out of the school fund shall be filed with the secretary of the board of education, and after it shall have been approved by the board, a certificate of such approval shall be endorsed thereon signed by the president of the board and its secretary, and a warrant upon the school fund specifying the matter for which it is drawn, shall be issued thereon for the payment of such claim.

Estimates of expenses.

SEC. 160. It shall be the duty of the board of education annually, and oftener when necessary, and at suitable times, and when and in the manner provided by law, to make and to present to the officers and the boards or bodies now or hereafter designated to receive the same, careful estimates of the amount or amounts required for the adequate support and maintenance of the public schools under the control and management of the board, and in so doing shall not only comply with the requirements of the law but also use all reasonable effort and diligence to make said estimates such in form, substance and particularity as to enable the board or body charged with the taxing power to proceed advisedly in the matter of levying taxes for the support of the public schools under the charge and control of the board of education of the city.

ARTICLE XV.

BOARD OF LIBRARY TRUSTEES.

SEC. 165. The public libraries created or existing in this city shall be managed and controlled by a board of library trustees, consisting of five members, to be appointed by the council, each to serve five years from and after the first day of July next after his appointment. One trustee shall be appointed each year, at a regular meeting, in the month of June. Said board of library trustees shall have such powers and duties as now are or hereafter may be prescribed by the statutes of the State of California or by the ordinances of the city of Stockton.

ARTICLE XVI.

MISCELLANEOUS.

When this charter takes effect.

SEC. 170. For the purpose of nominating candidates and electing mayor, councilmen and school directors in accordance with this charter, this charter shall take effect from the time of the approval of the same by the Legislature; for the purpose

of taxation and assessment, it shall take effect on the first Monday in September following; and for all other purposes it shall take effect on the first Monday in January following said first Monday in September.

First election under this charter.

SEC. 171. The city council of the city of Stockton in office at the time this charter is approved by the Legislature shall provide for the holding of the first election of officers under this charter, shall canvass the votes, declare the result and approve the bonds of all officers elected at such election.

Terms of incumbents in office.

SEC. 172. The mayor, the members of the city council, the auditor, the treasurer, assessor and tax collector, and the members of the board of education in office at the time of the approval of this charter by the Legislature shall continue to hold office and discharge their duties until the first Monday in January, as provided in Section 170, and the election and qualification of the mayor, councilmen and school directors, respectively, first elected under this charter, and each public library trustee until his term expires and his successor elected and qualified. The term of each of all the other officers in office at the time this charter takes effect shall cease and terminate when the council first elected hereunder shall by resolution so declare; and the powers and duties of their offices continue, so far as consistent with this charter, until by action under this charter it is determined or provided otherwise.

Assessment for first fiscal year under this charter.

SEC. 173. It shall be the duty of the city assessor in office when this charter takes effect for the purposes of assessment and taxation, as provided in Section 170 aforesaid, to prepare between the first Monday in September, following the approval of this charter by the Legislature and the fifteenth day of December, following, and present to the city clerk, with his certificate of its correctness, a list of all the real and personal property within the city taxable for State and county purposes, proceeding substantially as provided in the charter of which this is the successor.

Existing ordinances continued in force.

SEC. 174. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

Conduct of legal proceedings.

SEC. 175. The council shall have control of all litigation of the city, and may employ other attorneys to take charge of any litigation or to assist the city attorney therein. The city attorney shall attend all meetings of the city council. The city attorney must not be attorney, directly or indirectly, for any public service corporation doing business within or with the city of Stockton.

CERTIFICATE.

WHEREAS, The city of Stockton, a city containing a population of more than ten thousand inhabitants, did, on the sixteenth day of May, in the year nineteen hundred and eleven, at a general election, and under and in accordance with the provisions of section eight, article eleven of the Constitution of the State of California, elect D. J. Matthews, Ansel Williams, M. J. Gardner, D. B. Morrill, L. H. Frankenhimer, J. R. Koch, W. H. Hobin, Richard Godsil, R. W. Bonney, George E. Catts, A. C. Oullahan, C. D. Bass, J. W. Kinnear, G. E. Bartholomew and E. E. Cramer a board of freeholders to prepare and propose a charter for said city,—

Be it known, that in pursuance of said provision of the Constitution and within ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Stockton.

IN WITNESS WHEREOF, we have hereunto set our hands in duplicate this 14th day of August, in the year one thousand nine hundred and eleven.

GEORGE E. CATTS, President.
C. D. BASS.
R. W. BONNEY.
RICHARD GODSIL.
J. W. KINNEAR.
G. E. BARTHOLOMEW.
M. J. GARDNER.
J. R. KOCH.
A. C. OULLAHAN.
ANSEL WILLIAMS.
L. H. FRANKENHEIMER.
W. H. HOBIN.
E. E. CRAMER.

Attest : D. J. MATTHEWS, Secretary.

STATE OF CALIFORNIA,
COUNTY OF SAN JOAQUIN, } ss.
CITY OF STOCKTON.

I, R. R. Reibenstein, mayor of the city of Stockton, State of California, do hereby certify that the board of fifteen freeholders, of whose names fourteen appear signed to the foregoing proposed charter, were, on the 16th day of May, 1911, at a general municipal election held in the city of Stockton on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city; that at the time of said election each of said fifteen freeholders was and for more than five years next prior thereto had been a qualified elector and freeholder in and of said city; that the foregoing is a true copy of said charter prepared and proposed by said board of freeholders, and returned by the same, signed in duplicate by more than a majority, to wit: fourteen of said freeholders, one copy to the mayor of said city, and the other copy to the county recorder of the county of San Joaquin, State of California, and filed in the office of said county recorder, each and both said copies of said charter being so as aforesaid returned to said mayor and said county recorder within ninety days after said election of said freeholders, and as required by Section 8 of Article XI of the Constitution of the State; that thereafter said proposed charter was published in the "Stockton Daily Evening Record" and in "The Mail," each of the same being a daily newspaper of general circulation in said city, for at least twenty days, and the first said publication in each and both said newspapers was made within twenty days after the completion of said charter; that within thirty days after the said publication of said charter as required by Section 8, Article XI of the Constitution of the State, to wit: on the 17th day of October, 1911, said proposed charter was submitted to the qualified electors of said city at a special municipal election therein and for the purpose of ratifying or rejecting the same; that by a majority of the votes of the qualified electors of said city voting at said election and by a majority of the electors of said city voting thereon, the said proposed charter was ratified, and that in all matters and things pertaining to said proposed charter, all provisions of said Section 8 of Article XI of the Constitution and laws of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said city of Stockton to be affixed this 25th day of November, 1911.

R. R. REIBENSTEIN,
Mayor of the City of Stockton.

Attest: L. F. KUHN,
City Clerk of the City of Stockton.
[CORPORATE SEAL OF THE CITY OF STOCKTON]

Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the city of Stockton, as presented to and ratified by the qualified electors of said city be, and the same is hereby, approved as a whole as and for the charter of said city of Stockton.

Assembly concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 1 adopted by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—32.

NOES—None.

Assembly concurrent resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 2—Approving the charter of the city of Sacramento.

Assembly Concurrent Resolution No. 2 was temporarily passed on file, in the absence of Senator Bills, to retain its place.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, December 13, 1911.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Secretary of State in the sum of \$2.12 for the payment of

a copy of the Standing Orders of the Lords and Commons relative to bills, etc.; the same to be paid out of the Contingent Fund of the Senate; and further be it

Resolved, That the Treasurer be and he is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

BURNETT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Tyrrell, Walker, Welch, and Wright—31.

NOES—None.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Curtin, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 29—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller.

L. B. MALLORY, Chief Clerk of the Assembly.

By A. H. HARLIN, Assistant Clerk.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bill, etc., was introduced:

By Senator Thompson: Senate Bill No. 49—An Act to amend section 125 of the Political Code relating to the division of the State into equalization districts.

Bill read first time, and referred to Committee on Apportionment and Representation.

RECESS.

At eleven o'clock and five minutes A. M., on motion of Senator Bell, the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

PRIVILEGE OF FLOOR EXTENDED.

On motion of Senator Roseberry, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Miss Crystal Harford, teacher of the United States history class of Lodi High School, and fourteen pupils.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Wolfe asked for, and was granted, unanimous consent to take up for consideration all bills now on the second-reading files.

Senate Bill No. 19—An Act to amend section four thousand and twenty-three of the Political Code of the State of California, relating to eligibility to county, district and township offices.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 17—An Act to amend section ten hundred and eighty-three of the Political Code of the State of California, relating to and defining qualified electors.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 18—An Act to amend section seventeen of the Political Code of the State of California, relating to definitions of certain terms used in said Code.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 15—An Act to amend section ten hundred ninety-six of the Political Code of the State of California.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, strike out of the title the period in the third line after the word "California" and insert the following: "relating to registration of voters."

Amendment adopted.

Also:

On page 1, subdivision 1, line 5, strike out the words "and sex" and insert the following: between lines five and six, the figure "2" and the words "The sex."

Amendment adopted.

Also:

On page 1, strike out subsection 2 and insert in lieu thereof the following: "The age, omitting fraction of years."

Amendment adopted.

Also:

On page 1, insert the following: between lines 10 and 11 of the printed bill, subsection 5, "The complexion and color of eyes."

Amendment adopted.

Also:

On page 1, strike out lines 11, 12, and 13, and insert in lieu thereof the following: "If a married female, the name of the husband at length, and whether or not the husband is an American citizen."

Amendment adopted.

Also:

On page 1, subsection 8, strike out lines 15, 16, 17, and 18, and insert in lieu thereof the following: "If naturalized, the time and place of naturalization and in the case of a female elector, if naturalization is by marriage, the time and place of her husband's naturalization shall be stated."

Amendment adopted.

Also:

On pages 1 and 2 of the printed bill, renumber subdivisions consecutively.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Assembly Bill No. 24—An Act to amend section four thousand and twenty-three of the Political Code of the State of California, relating to eligibility to county, district and township offices.

Bill read second time, and on file for third reading.

Assembly Bill No. 45—An Act to amend Section 1066 of the Political Code of the State of California, relating to the number of votes necessary to elect.

Bill read second time, and on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Bills asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 2, for consideration out of order.

ASSEMBLY CONCURRENT RESOLUTION No. 2.

Approving charter of the city of Sacramento, county of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a general election therein on the 7th day of November, 1911.

WHEREAS, The city of Sacramento, a municipal corporation of the county of Sacramento, State of California, now is, and was at all the times herein mentioned, a city containing a population of more than ten thousand and less than one hundred thousand inhabitants; and

WHEREAS, At a special election duly held in said city on the 27th day of June, 1911, under and in accordance with law, and the provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected by the qualified electors of said city at said special election, duly called for that purpose, to prepare and propose a charter for said city and the government thereof; and

WHEREAS, Said board of freeholders did, within ninety days after their said election, prepare and propose a charter for said city of Sacramento, and the government thereof, which proposed charter was signed in duplicate by all of the members of said board of freeholders on the 25th day of September, 1911, and thereupon, and on said day, duly returned, one copy to the mayor of the city of Sacramento, and the other copy thereof to the county recorder of said county of Sacramento; and

WHEREAS, The said proposed charter was thereafter duly published in the Sacramento *Star* and in the Sacramento *Union*, they being daily newspapers of general circulation, printed and published in said city of Sacramento, and said publication as aforesaid continuing for a period of twenty days, the first said publication thereof being made within twenty days after the completion of said charter, as aforesaid; and

WHEREAS, Said proposed charter was within thirty days after the completion of said publication, submitted to the qualified electors of said city of Sacramento, at a general municipal election held in said city on the 7th day of November, 1911; and

WHEREAS, At the said last mentioned general election, a majority of the qualified electors of said city of Sacramento voting thereon, voted in favor of the ratification of said charter as proposed, as a whole, and ratified the same; and

WHEREAS, The board of trustees of the city of Sacramento duly canvassed the returns of said general election, and found and declared that the majority of the said qualified electors voting thereon at said general election had voted in favor of ratification of said charter, and had ratified the same; and

WHEREAS, Said charter is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power to alter or amend, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said charter so ratified was and is in words and figures as follows, to wit:

CHARTER OF THE CITY OF SACRAMENTO, PREPARED AND PROPOSED BY THE BOARD OF FREEHOLDERS, ELECTED JUNE 27, 1911, IN PURSUANCE OF THE PROVISIONS OF SECTION 8, ARTICLE XI, OF THE CONSTITUTION OF THE STATE OF CALIFORNIA.

CHARTER OF THE CITY OF SACRAMENTO.

ARTICLE I.

Name, rights, liabilities and boundaries.

SECTION 1. The city of Sacramento, a municipal corporation, shall, after the adoption of this charter, continue its existence as such municipal corporation, and under the corporate name, City of Sacramento, shall have, possess and exercise all

powers and rights vested in said city of Sacramento under this charter and the laws of this State, together with such additional powers as are now, or may hereafter be exercised by or vested in any municipal corporation under the Constitution or laws of this State, or are or may be considered as necessary to or promotive of the welfare, progress or advantage of said city of Sacramento or its inhabitants. It is the intention by and through this charter to confer upon and vest in said city of Sacramento plenary power touching all matters pertaining to the government, progress, advantage and interests of said city of Sacramento and the health, safety, convenience, advantage, protection, welfare and happiness of its inhabitants, which powers shall only be limited by the Constitution of this nation or State or by this charter. Said city of Sacramento, as the successor in interest of the municipal corporation of that name, created and existing under precedent charters, shall own, hold, possess, use, lease, control, and in every way succeed to and become the owner of all rights and all property of every kind and nature by said existing municipal corporation owned, controlled, possessed or claimed, including rights of action, revenues, income, records, archives, claims, demands, ways, streets, alleys, levees, canals, public utilities and things in possession or in action, and as such successor of said existing municipal corporation, shall be subject to all debts, obligations, liabilities, dues and duties of said existing corporation, and may in its corporate name, institute, defend and maintain actions and proceedings in any and all courts or tribunals for the recovery of any property, claim or demand, for the protection, enforcement or preservation of any right, interest or thing owned or claimed by said city of Sacramento under this or precedent charters or under any law or contract. Without in any way or to any extent limiting or curtailing powers hereinbefore conferred or mentioned, and for the sole purpose of removing all doubt concerning the exercise of powers hereinafter expressly mentioned, said city of Sacramento shall have power to acquire by purchase, bequest, devise, gift, condemnation, or other manner sanctioned by law, within and without the limits of said city, property of every kind and nature for all purposes, and especially for levees, parks, playgrounds, waterworks, sewers, bridges, ways, sanitary appliances or protection, public utilities, railroads, street railroads, electric and other plants and appliances for light, power and heat, canals, drains, water rights, mains and pipes, and may purchase, condemn, receive by gift, bequest or devise, construct, own, lease, let, operate, hold, establish and equip telephone and telegraph systems, cable, electric or other street railways, waterworks, gas works, electric light, heat and power works, within and without said city, to supply the city and its inhabitants and persons without said city with water, gas and electricity, and to sell gas, water, electric current, light, heat, transportation and all products of any public utility, and to establish, maintain, operate, equip and own, lease and let, ferries, railroads and transportation service of any and every kind.

Boundaries.

SEC. 2. The boundaries of the city of Sacramento shall be as follows: Beginning at the junction of the center of the channel of the American River with the center of the channel of the Sacramento River as it existed on the twenty-sixth day of May, A. D. 1851, and running thence down the center of the channel of the Sacramento River to a point intersected by the center line of the Suttersville road, if extended west to the center of the channel of the Sacramento River; thence easterly to and along said center line of said Suttersville road and said center line produced to the center of the Freeport road; thence northerly along the center line of the Freeport road to its intersection with the center line of Whiskey Hill road, if extended westerly to the center of the Freeport road; thence to and along the center line of said Whiskey Hill road to its intersection with the section line between sections thirteen (13) and twenty-four (24), township eight (8) north, range four (4) east; thence east on said section line to the northeast corner of section twenty-one (21), township eight (8) north, range five (5) east, Mt. Diablo base and meridian, thence north along the section line between sections fifteen (15) and sixteen (16), and between sections nine (9) and ten (10), in said township and range, to the center line of Valley avenue; thence northeasterly along the center line of Valley avenue and along the center line of said Valley avenue, if extended, to the northeasterly line of the base of the city levee; thence northerly and westerly along the northerly line of the base of said levee to the east line of Thirty-first street of the city of Sacramento; thence northerly thereon to the north line of "A" street; thence westerly along the north line of "A" street to the east line of Twenty-second street; thence northerly along the east line of Twenty-second street to the north line of "B" street north; thence westerly along the north line of "B" street north to the center of the bed or channel of the American River as it existed on the twenty-sixth day of May, A. D. 1851; thence down the center of the channel of said American River as it existed on the twenty-sixth day of May, 1851, to the place of beginning.

SEC. 3. The boundaries of said city of Sacramento shall continue as now established until changed in some manner authorized by law.

ARTICLE II.

OFFICERS AND GOVERNMENT.

Elective officers.

SECTION 4. The elective officers of the said city of Sacramento shall be five city commissioners, who shall be ex officio members of the city board of education. Each

of said elective officers shall hold office for the term of five years from and after the first day of July next succeeding his election, subject, however, to recall and removal from office, as hereinafter and by general laws provided, and subject also to classification of the city commissioners after the first election under this charter as in section five provided.

Classification.

SEC. 5. After the election of the first commissioners held under this charter the respective terms of the city commissioners so elected, shall be determined as follows: The person elected by the highest number of votes cast shall hold office for the term of five years; the person elected by the second highest number of votes shall hold office for four years; the person elected by the third highest number of votes shall hold office for three years; the person elected by the fourth highest number of votes shall hold office for two years; and the person elected by the lowest number of votes shall hold office for one year. In the event that two or more city commissioners shall be elected by the same number of votes, the term of each shall be fixed by lot. The length of the term of each shall be longer than that of any commissioner receiving a less number of votes. The commissioners elected at the first election shall take precedence over those elected at the second election. If a vacancy occurs in the office of city commissioner, the city commission shall appoint an eligible person to fill such vacancy until the next election at which a commissioner is to be elected. The office shall then be filled by election for the unexpired term.

Exercise of power.

SEC. 6. The powers vested in said city of Sacramento as a municipal corporation shall be exercised by and through a city commission composed of the city commissioners. The city commission shall establish and enforce rules for its proceedings. It shall have power to punish its members for disorderly conduct in its presence. The commission shall also have the power to compel the attendance of witnesses, and the production of all papers relating to any business before that body, and may punish disobedience of its subpoena, or contemptuous or disorderly conduct in its presence, by a fine or by imprisonment in the city jail, or by both such fine and imprisonment. The city commission shall also have power to settle by the affirmative vote of three members, conflicts arising between two or more commissioners as to their respective rights, powers and duties concerning the subject matter in dispute, and to determine by a like vote all general administrative policies. Each commissioner shall have power to administer oaths and affirmations relating to any business brought before the commission, or under consideration by any committee or department thereof, and to compel the giving of testimony concerning such matter.

Meetings.

SEC. 7. The city commission shall have an office in the city hall, and shall meet in regular session at least twice each week, upon such days and at such hours as it may, by ordinance, designate. Special meetings of the city commission may be held at any time upon the order of the president, or upon the written request of any two commissioners, filed with the city clerk; *provided*, that said order or said request shall set forth the object of the special meeting. The city clerk shall give such notice to each commissioner of the time of said special meeting and the subject thereof, as the commission may, in its rules prescribe. At such special meeting no business shall be transacted other than that specified in said notice or said request. Executive sessions of the city commission may be held at any time; *provided*, that no executive session shall be held with any person present other than officers, elected or appointed, or employees of the city. All legislative sessions of the city commission, whether regular or special, shall be open to the public. A majority of the members of the city commission shall constitute a quorum for the transaction of business. A less number may adjourn from time to time and may compel the attendance of absent commissioners.

Organization of city commission.

SEC. 8. Said city commission shall annually, at its first meeting in July, elect one of its members as president of the city commission, and one of its members as vice-president. If the president should be absent, or for any reason unable to act, the vice-president, during such absence, or inability, shall perform all the duties of the president.

Departments.

SEC. 9. The executive and administrative powers of said city shall be distributed among and assigned to five departments, as follows:

1. Department of public works.
2. Department of streets.
3. Department of public health and safety.
4. Department of education.
5. Department of finance.

Each of the members of the city commission shall, by majority vote of said city commission, be assigned to one of the departments, over which he shall have special oversight, charge and supervision, subject to the provisions of this charter and the ordinances of the city; *provided, however*, that in the event of the failure or inability

of the city commission to make such assignment within five days after organizing, it shall become the duty of the president to assign, and he must assign, one commissioner to each of such departments. The member assigned to each department shall be designated as the commissioner of such department. Each commissioner, when assigned to a department shall serve as commissioner of that department during his term of office, unless such assignment shall be changed or revoked by the city commission by a four-fifths vote.

The president of the city commission shall have charge of all civic functions, celebrations, receptions and courtesies; he shall, in behalf of the city, execute all contracts of every kind and nature to which the city is a party, and shall perform such other ministerial functions as the city commission may from time to time direct.

The commissioner of public works shall have charge and supervision of the construction and maintenance of all public buildings belonging to or used by the city, except school buildings; of the construction, operation and maintenance of all levees, wharves, docks, slips, quays, water front property and waterworks belonging to or under the control of the city, and of all public utilities or undertakings of every kind and nature owned or operated by the city. He shall also have charge and supervision of all relations between the city and its inhabitants with all persons, firms or corporations furnishing or providing any public service or public utility to the city or the inhabitants thereof, and it shall be his duty to enforce the provisions of all laws, franchises or permits under which any of such persons, firms or corporations furnishing public service or public utilities to the city or its inhabitants are operating, and to compel due observance of all standards of service or other regulations affecting the same prescribed by law or the ordinances of the city.

The commissioner of streets shall have supervision and control of the alteration, opening, care, construction and paving of all ways, streets, boulevards, alleys and sewers belonging to or under the control of the city. He shall also supervise and direct all work done on, in, under or above all streets, alleys and all other public ways of the city in connection with the construction, maintenance, or repair of any and all structures or installations of every kind and nature authorized by law, or by ordinance, to be erected, constructed, installed, laid down, maintained or repaired on, in, under or above any such street, alley or other public way within the city. It shall be his duty to prevent the unlawful use or occupation of, or damage to, any portion of any street, alley or other public way within the city, whether on, in, above or below the surface thereof, and to prosecute all persons unlawfully using, occupying or damaging the same or any part thereof, and to sue in his own name for such damages.

The commissioner of public health and safety shall have supervision over the police department, the fire department, the health department, building inspection, food inspection, hospitals, cemeteries, sumps, pounds, the inspection and cleaning of all sewers and all matters affecting the health and safety of the inhabitants of the city.

The commissioner of education shall have supervision of all parks and playgrounds, subject to the direction of their respective boards of directors, and shall be ex officio president of the said boards. He shall have supervision, under the direction of the board of education, of all school buildings, property and grounds, and of the construction, maintenance and repair thereof. He shall have supervision of the municipal employment office, of all libraries, art galleries, theaters, places of amusement, exhibitions, entertainments, humane and reformatory boards, institutions and societies, and of all matters affecting the intellectual and moral advancement of the city, other than police and sanitary regulations.

The commissioner of finance shall have supervision and control of all financial matters of the city, except as otherwise provided in this charter.

The commission may by ordinance, four members voting therefor, reassign any of the duties and powers above specified, and may in such manner transfer any powers and duties from one department to another. Any duties not herein enumerated may be delegated by the city commission to the commissioner of any of the said departments.

Appointive officers.

SEC. 10. The city commission shall, at its first meeting, or as soon as practicable thereafter, appoint and by ordinance prescribe the duties of the following officers, who shall be known as officers of the first class, and shall hold their offices at the pleasure of the city commission:

1. City attorney.
2. City assessor.
3. City treasurer.
4. City collector.
5. City auditor.
6. City clerk.
7. City engineer.
8. Judge of the police court.
9. Purchasing agent.

Each officer of the first class shall have power, subject to the provisions of Article XV, to appoint such deputies, clerks and other employes as the city commission may by ordinance prescribe.

Appointive officers—Second class.

SEC. 11. The following officers, to be known as officers of the second class, shall be appointed by, and hold office at the pleasure of the city commissioner who has supervision of the department to which such officers are assigned, respectively:

1. City librarian.
2. Superintendent of streets.
3. Health officer.
4. Chief of police.
5. Chief of the fire department.
6. Municipal employment agent.
7. City machinist.
8. City building inspector.
9. City electrician.
10. Chief engineer of the waterworks.

The city commission may, by ordinance, create, consolidate or abolish offices, prescribe the duties thereof and assign each to the proper department, and may, in like manner, create and abolish deputyships for all offices of the first and of the second class. The commissioner of each department may, subject to the provisions of Article XV, employ such subordinates, laborers and other employes as may be necessary to carry on the work under his supervision, and discharge them. In the appointment or employment of all officers and employes of the city, religious and political professions and beliefs shall be totally ignored.

Present officers.

SEC. 12. Until the election or appointment and induction into office of the officers and employes in this charter provided for, the present officers and employes shall, without interruption, continue to perform the duties of their respective offices and employments in the manner and for the compensation provided by the precedent charter or the existing local or general laws.

Restrictions upon officers and employes.

SEC. 13. No salaried officer of the city, elective or appointive, except as in this charter provided, shall hold any salaried office, position or employment in the national, state or county government. No person shall be elected or appointed to any office, position or employment, the compensation of which was increased or fixed by the city commission while he was a member thereof, until after the expiration of at least one year from the date when he ceased to be a member of the city commission. No officer of the city, whether elective or appointive, nor any clerk, assistant or employe, shall be interested directly or indirectly in any contract or transaction with the city, or with any department, board, officer or employe thereof, nor become surety for the performance of any contract or contracts made with or for the city, upon any bonds given to the city. The violation of the provisions of this section by any such officer, clerk, assistant or employe shall work the forfeiture of such office or employment.

Shall receive no commission or profit.

SEC. 14. No officer, clerk, assistant or employe shall receive any commission, money or thing of value, or derive any profit, benefit or advantage, direct or indirect, from or by reason of any dealings with or services for the city by himself or others, except his lawful compensation as such officer, clerk, assistant or employe.

Salaries.

SEC. 15. The salary of each of the commissioners shall be thirty-six hundred dollars (\$3,600) per annum. The city commission shall fix and prescribe, by ordinance, the salaries and wages of all other officers and employes of the city: *provided, however,* the wages of employes in the labor division shall not, in any case, be less than three dollars (\$3.00) per working day: *and provided, further,* that no officer or employe of the police or the fire department shall, at any time, receive a less salary than that paid to officers or employes of similar rank in such department at the time of the adoption of this charter. All salaries shall be payable in equal monthly installments, and shall be in full compensation for all duties and services performed by all officers and employes of the city.

Oaths.

SEC. 16. Every officer, elective or appointive, shall, before he enters on the duties of his office, take, subscribe and file with the city clerk, an oath or affirmation to support the Constitution of the United States, and the Constitution of the State of California, and faithfully to perform the duties of the office upon which he shall be about to enter.

Bonds.

SEC. 17. Every officer, elective or appointive, shall, before he enters upon the duties of his office, give a bond to the city of Sacramento in such sum as shall be prescribed by this charter, or by ordinance duly passed by the city commission, and any officer, elective or appointive, required by law or by this charter or by ordinance to give a bond, shall not be deemed qualified for his office or employment until such

bond has been duly approved and filed. All such bonds, excepting those of the commissioners, must be approved by the city commission. Each of the city commissioners shall, before entering upon the duties of his office, give a bond to the city of Sacramento, approved by a judge of the Superior Court of Sacramento County, in the sum of twenty thousand dollars (\$20,000). Bonds of other officers or employes of the city of Sacramento shall be fixed by ordinance duly passed by the city commission. All bonds, except that of the city auditor, shall be filed with the city auditor within ten days after the election or appointment of any officer or employe required to give a bond has been legally made or declared. The bond of the city auditor shall be filed with the city treasurer within the time above limited. Bonds of surety, guaranty, indemnity or insurance companies which are organized and empowered by law to give such bonds, may be given subject to the requirements hereinafter contained. No bonds shall be held void because of any defect in form, recital, conditions or substance, nor shall any principal or surety be discharged from liability thereon because of any such defect; but every bond intended as an official bond, or any employe's bond under this section, shall hold and bind the parties to it to the full extent contemplated by the law, charter or ordinance requiring the same. No warrant in favor of any person performing any service for the city who is required to give bonds to the city shall be drawn by the auditor or paid by the treasurer unless the bond of such person shall be approved and filed, as in this section provided, prior to the issuance or payment of any such warrant. No bond or undertaking with a corporation or corporations as surety thereon shall be accepted or approved unless at the time such bond or undertaking is presented for approval there shall be on file in the office of the county clerk of Sacramento County:

First—A copy, duly certified by the proper authority, of the charter or articles of incorporation of such surety company, showing the power of such corporation to become a sole surety on such bond or undertaking.

Second—A copy, duly certified by the proper authority and attested by the seal of the corporation, of the transcript or record of appointment entitling or authorizing the person, or persons, purporting to execute such undertaking or bond for and in behalf of such corporation, to act in the premises; *provided, also*, that the fact of the execution of such bond or undertaking by the agent or attorney in fact of the corporation purporting to become sole surety on such bond or undertaking shall be duly attested and acknowledged before an officer authorized by law to take and certify acknowledgments in this state.

Third—The certificate or copy thereof, duly certified, of the insurance commissioner of the State of California, authorizing and empowering such corporation to do business in the State of California.

Fourth—A certificate issued by such corporation and attested by its secretary, under seal, stating the names and business addresses, if a domestic corporation, of the president, vice-president (or vice-presidents, if there be more than one) and secretary of such corporation, or, if a foreign corporation, the name and business address of the person upon whom service of process is to be made within the State of California. The business addresses herein required shall include the name of the city or town, and the name and number of the street therein where each of such persons may be found during business hours; or, if in an office building, the name and location of the building, and the number of the room occupied by such person.

Attention to duties.

SEC. 18. All persons holding any office or clerical employment under the city, whether elective or appointive, shall be required to engage in the actual work of the office or employment so held, to the extent that their services may be necessary for the full and complete discharge of the duties of said office or employment, and a failure to do so shall be ground for removal. Each city commissioner shall devote six hours daily, except Sundays and holidays, to the service of the city, and such additional time as the needs of the city may require. He shall have an office at the city hall set apart and furnished by the city commission, which shall be open for business from nine o'clock A. M. to five o'clock P. M. of every business day, Saturday afternoons excepted, and he shall keep such daily office hours as the city commission may prescribe, except when prevented by sickness or other good and sufficient cause, or when absent by permission of the city commission. Such office hours shall be posted conspicuously on the office door of the commissioner.

Officers personally liable.

SEC. 19. Any officer guilty of official misconduct or malfeasance in office shall be personally responsible for all damages accruing thereby.

Office to become vacant in certain cases.

SEC. 20. If any officer or employe of the city shall be convicted of felony or malfeasance in office, or be adjudged insane, or absent himself for one month from the city without leave, his office shall immediately become vacant, and the vacancy filled as in this charter provided.

ARTICLE III.

POWERS OF THE CITY AND OF THE CITY COMMISSION.

General powers of the city.

SECTION 21. Without limitation, denial or disparagement of other powers held under the Constitution and laws of the State or granted by this charter, the city of Sacramento shall have the right and power:

SEC. 22. To acquire by purchase, condemnation or otherwise, property of every kind and nature, within or without the city limits, for all purposes, and to establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction and farm schools, workhouses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, sewers, drains, street cleaning and sprinkling plants, street improvement and construction plants, quarries, wharves, docks, waterways, canals, levees, bridges, ways, sanitary appliances, and all other public buildings, places, works and institutions.

Water, light, heat and power.

SEC. 23. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate waterworks, gas works, electric light, heat and power works or any other works for the production of a public utility, within or without the city, and to supply the city and its inhabitants and all persons, firms and corporations outside the city with water, gas and electricity, and the product of any other public utility.

Telephone, telegraph and transportation.

SEC. 24. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, cable, electric, steam or other railways, ferries and transportation service of any kind. To construct, equip, maintain, own and operate underground conduits for carrying wires, pipes or other means of conduct for public utilities, whether provided by the city itself, or by individuals or corporations, and to lease the same for the use of individuals or corporations when such use is granted by franchise.

Land for public purposes.

SEC. 25. To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose; and to sell, convey and dispose of the same for the common benefit.

Bequests and donations.

SEC. 26. To receive bequests, gifts and donations of all kinds of property, in fee simple or in trust, for charitable and other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

Rivers and levees.

SEC. 27. The city of Sacramento is hereby authorized to adopt, establish, and maintain a system of levees, canals, and drainage, and to construct and maintain the works necessary thereto; and to repair, maintain, construct and control all levees, canals, and other works necessary to the protection of the city. The city commission is hereby declared to be the legal representative and successor of the board of supervisors of the county of Sacramento, and of the board of levee commissioners of the city of Sacramento, in all matters pertaining to the Sacramento drainage canal, and in all matters pertaining to any canals or drains for the drainage of the city, and in all matters pertaining to the levees in the city, and in all matters pertaining to all the levees, canals, and other works which said city has adopted or constructed or shall hereafter adopt or construct as part of its system of levees or drainage; and the city commission shall, in addition to the other powers granted to it, also have power to dredge, or in any other manner deemed expedient to keep clear, the channels of the Sacramento and American rivers adjacent to the city, and to build any dam, boom, weir, jetty, or other works, either in the county of Yolo, the county of Solano or in the county of Sacramento, or in part in any of said counties, as in the opinion of said board may be necessary to keep the channel of the Sacramento River, in front of the city, free and open for navigation of first-class steamboats; and the said city commission may cut or dig any canal, ditch, slough, or outlet in any of said counties, and may use all other means and appliances whatever that may be necessary to keep the Sacramento River navigable in front of the city, to provide proper drainage for the city, and to guard any and all lands within said city from inundation. The purposes for which any and all the

works in this section mentioned are to be constructed are hereby declared public uses, and the city of Sacramento is hereby authorized to proceed at any time, under the provisions of the statutes for that purpose, to condemn for such use any and all property necessary to the construction and maintenance of such works; *provided, however*, no system or plan for any of the work in this section authorized to be performed shall be adopted by said city commission which will cost over twenty thousand dollars (\$20,000), unless such plan shall first be submitted to and ratified by a vote of the electors of said city; and *provided, further*, that if any plan is adopted involving the expenditure of more than twenty thousand dollars (\$20,000), the money required to carry out such plan shall be raised either by the issuance of bonds or by direct taxation, as the electors, at such election, may determine.

Contracts for drainage work.

SEC. 28. To make contracts with the Federal or the State government or with any department of either thereof, and with any swamp land, levee, reclamation or drainage district now or hereafter existing, or with any person or body, politic or corporate, providing for the construction of any work of reclamation or drainage which, in the judgment of the city commission, will be of advantage to the city of Sacramento in the matter of impounding, storing, carrying away and disposing of the flood waters of the Sacramento and American rivers and their tributaries; *provided, however*, that should the portion of the cost thereof to be defrayed by the city of Sacramento, under the provisions of such proposed contract, exceed the sum of twenty thousand dollars (\$20,000), the general plan of such work shall be first submitted to and ratified by a vote of the electors of the city.

Joint ownership of water supply.

SEC. 29. To join with one or more cities incorporated under the Constitution and laws of the State, in order to acquire or develop jointly a source or sources of water supply, light, heat or power, for municipal and domestic purposes, and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor. The city shall also have full power to act independently in the premises.

SEC. 30. The supply of water for this city for municipal and domestic purposes shall always be owned and controlled as a municipal institution and be administered by the city government, and shall not be sold or leased to any person, firm or corporation, nor shall any franchise for such purpose ever be granted.

POWERS OF THE CITY COMMISSION ENUMERATED.

As the legislative body of the city, the city commission, subject to the provisions and restrictions of this charter, shall have power:

Official seal.

SEC. 31. To provide a corporate seal, with appropriate device, to be affixed to all instruments of writing needing authentication.

Violation of charter and ordinances.

SEC. 32. To prescribe fines, forfeitures and penalties for the violation of any provisions of this charter or of any ordinance.

Nuisances.

SEC. 33. To provide for the summary abatement of any nuisance at the expense of the person or persons creating, causing, committing or maintaining such nuisance, and to make such expense a lien upon the property whereon such nuisance exists.

Engines and boilers.

SEC. 34. To regulate the use of steam engines, gas engines, steam boilers, and electric motors, and to prohibit their use in localities where, in the judgment of the city commission, the public safety would be endangered; and to provide for the examination and licensing of all persons engaged in operating the same.

Fire limits.

SEC. 35. To prescribe fire limits and determine the character and height of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration, or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

Building regulations.

SEC. 36. To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in, and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials and methods used in wiring buildings or other structures for the use of electricity for lighting, power, heat, or other purposes, and materials and methods used for piping buildings or other structures for the purpose of supplying the same with water, gas or any

process of heating or lighting for which pipes are used, and the manner of so doing; to regulate and prescribe all methods and materials used for the plumbing of all buildings, and to prohibit the construction of buildings and structures which do not conform to such regulations.

Provisions for safety in theatres, halls, etc.

SEC. 37. To regulate the location, number, size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches and other places for public gathering of every kind and to prevent the placing of seats, chairs, benches or other obstruction in the hallways, aisles, or open places therein.

Provisions relating to streets and water front.

SEC. 38. To fix, alter and change the route of any railroad in the city, and to regulate the speed of railroad trains, engines and cars passing through the city, and the speed of cars of street or interurban railway companies using the public streets of the city; to require railroad companies to station flagmen or to place gates or viaducts at street crossings, as the city commission may deem proper; to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city, and prohibit cars standing on any street; and to prohibit the making of any flying switch upon or across any street, alley or other public place within the city; to regulate the speed with which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city; to build, alter, improve, keep in repair and control the water front, to erect, construct, regulate and repair wharves, and to fix the rate of wharfage and transit levee dues upon vessels and commodities, and to provide for the collection thereof; to provide for the regulation of berth landing, stationing, and removing of steamboats, motor boats, sail vessels, barges, rafts, and all other water craft; to fix the rate of speed at which steam or motor boats may run along the water front of the city; and to prescribe penalties for the violation of such regulations.

Improper use of streets.

SEC. 39. To regulate street speaking or gatherings; to regulate or prohibit the exhibition or carrying of placards, banners, or advertisements on cars or other vehicles, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate or prohibit the flying of banners, flags, or signs across the street or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and sidewalks, and to require their removal.

Weeds and rubbish on sidewalks.

SEC. 40. To compel the owner or occupant of any building or grounds to remove dirt, rubbish and weeds from such building or grounds and from the sidewalks adjacent thereto; and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such building or grounds.

Billboards and signs.

SEC. 41. To regulate, license or prohibit the construction and use of billboards and signs on public or private property.

Preservation of health.

SEC. 42. To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction or spreading of infections, communicable or contagious diseases into or through the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into or spread throughout the city of persons, baggage, merchandise or other property infected with any contagious or communicable disease.

Dangerous and offensive occupations—Disagreeable noises.

SEC. 43. To regulate or exclude the landing and storage of explosives and combustibles; to regulate the maintenance of chemical works, slaughterhouses, wash houses, laundries, stables, tanneries, glue factories, garages, planing mills, foundries, boiler shops, undertaking establishments, and business of every description that may endanger the public safety, health or comfort, and to restrict the conduct thereof to such fixed limits as may seem proper, or to exclude such works and business from the city; to make regulations for the suppression of disagreeable or offensive noises; and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them.

Inspection of food products.

SEC. 44. To provide for and regulate the inspection of all things used for food or drink or for human consumption, stored, manufactured, sold, given away, or

exchanged in the city and to provide for taking and summarily destroying any such products as are unsound, spoiled, adulterated or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

Dairies.

SEC. 45. To provide for the inspection and regulation of all dairies and slaughter-houses within or without the city that offer for sale or sell any of their products in the city.

Hotels, lodging houses, tenement and apartment houses.

SEC. 46. To regulate hotels, lodging houses, tenement and apartment houses and to prevent the overcrowding of the same, and to require that they be put and be kept in proper sanitary condition.

Sewer construction, etc.

SEC. 47. To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning or emptying of the same, and to designate the time and manner in which the work shall be done.

Chimneys.

SEC. 48. To provide for the cleaning of chimneys and to designate the time and manner in which the work shall be done.

Licensing business.

SEC. 49. To license for purpose of regulation only, all and every kind of business not prohibited by law to be transacted or carried on in the city; to fix the rates of license upon the same and to provide for the collection thereof by suit or otherwise, and prescribe penalties for violation of such ordinances; to license, tax, regulate, prohibit, or suppress, all tipping houses, dram shops, saloons, bars, barrooms, raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths and sheds.

Weights and measures.

SEC. 50. To provide for the inspection and sealing of all weights and measures used in the city; to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed, and to provide for the summary seizure and destruction of all false weights and measures found in use within the city.

Public shows, gambling.

SEC. 51. To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling and all fraudulent or gambling devices and practices, all playing of cards, dice or other games of chance for the purposes of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money or anything is staked, hazarded, deposited or paid upon chance, and the selling of pools on races, games or other exhibitions, and to authorize the destruction of all instruments used for the purpose of gambling.

Public order and decency.

SEC. 52. To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights, and all offensive, immoral, indecent and disorderly conduct and practices in the city.

Erroneously collected taxes.

SEC. 53. To order the repaying by the treasurer of any taxes, percentages, costs, or other moneys erroneously or illegally collected.

Fees.

SEC. 54. To fix the fees and charges for all official services not otherwise provided for in this charter.

Lease of lands owned by the city.

SEC. 55. To provide for the leasing of any lands now or hereafter owned by the city for a term not exceeding five years; but all leases shall be granted at public auction to the highest responsible bidder, after publication of notice thereof for at least one week stating explicitly the term and conditions of the proposed lease; provided, that the city commission may, in its discretion, reject any and all bids.

Purchase of property under execution.

SEC. 56. To provide for the purchase of property levied upon or sold under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment, interest, if any, and costs.

Sale of useless personal property.

SEC. 57. To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Control of streets.

SEC. 58. To order the opening, extending, widening, straightening or closing of any street, lane, alley, court or public place within the city, or the extension of any such street, lane or alley to the Sacramento River or the American River, and to condemn and acquire any and all property necessary or convenient for that purpose. Whenever the cost and expense of any of the foregoing improvements is to be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity therewith.

Boulevards.

SEC. 59. To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad, and to regulate or prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall be granted by the city commission upon such boulevard, and no railroad track of any kind shall ever be laid thereon except to cross the same, unless a franchise therefor shall have been duly granted by vote of the people.

Regulation of public utility rates.

SEC. 60. To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city, for the use of heat, light, power or telephone service, or other public utility supplied to the city or the inhabitants thereof, and to prescribe the quality of the service.

Regulation of street railroads.

SEC. 61. To regulate street and suburban railroads, their tracks and cars, the issuance and exchange of transfers, and to fix the rates of fares and charges thereon, and to compel the owners of two or more railroads using the same street, to use the same tracks and equitably to divide between them the cost of construction and the cost of maintenance thereof.

Railroads to keep streets in repair.

SEC. 62. To require every railroad company owning or occupying tracks upon any public street or highway to keep clean and in good repair such street or highway between its tracks and for a distance of two feet upon the outer sides of the tracks owned or occupied by the company.

Spur tracks.

SEC. 63. To permit for compensation the laying down of spur or sidetracks and running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroad that may be built along the water front or with any other lines of railroad which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the city commission; such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof. Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the city commission.

Regulation of poles and wires.

SEC. 64. To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city.

Size and location of pipes.

SEC. 65. To regulate the size and location of all pipes, tunnels and conduits laid or constructed under the streets and public places, and to require the filing of charts and maps of such pipes, tunnels and conduits.

Municipal ownership.

SEC. 66. To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

Public entertainments.

SEC. 67. To appropriate and spend money from the funds of the city for any or all of the following purposes: Reception and entertainment of public guests, assistance of public celebrations held by the city at large, to aid or carry on the work of inducing immigration to the city, to exhibit manufactured and other products of the city; and generally, for the purpose of advertising the city; *provided, however*, that the aggregate expenditures for all of said purposes shall not exceed in any fiscal year the sum of two (2) cents on each one hundred (\$100) dollars of the assessed value of property within the city.

Additional powers.

SEC. 68. To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out and exercise the powers vested in said city, except as herein otherwise provided.

Continuing ordinances in force.

SEC. 69. All lawful ordinances, resolutions and regulations in force at the time this charter takes effect, and not inconsistent with its provisions, are hereby continued in force until the same shall have been duly amended, repealed or superseded.

ARTICLE IV.**ORDINANCES AND RESOLUTIONS.***Ayes and noes.*

SECTION 70. The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the city commission.

Majority vote of commission.

SEC. 71. No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the city commission.

Subject and title.

SEC. 72. Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and every ordinance making appropriations shall be confined to the subject of appropriations. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

Enacting clause of ordinances.

SEC. 73. The enacting clause of all ordinances passed by the city commission shall be in these words: "Be it ordained by the City Commission of the City of Sacramento, as follows:".

Reconsideration.

SEC. 74. When any ordinance is put upon its final passage, and notice is given of a motion to reconsider, the vote upon such motion must be taken at a meeting of the city commission held not later than one week after the meeting at which notice of such motion was given.

Signing and attesting.

SEC. 75. All ordinances shall be signed by the president and attested by the city clerk, and, unless postponed by the filing of a referendum petition or the terms of the ordinance itself, the same shall take effect thirty days after passage.

Revision and amendment.

SEC. 76. No ordinance shall be revised, reenacted or amended by reference to its title only; but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the section or sections to be added thereto, shall be set forth as revised or amended, and adopted in the method provided in this section for the adoption of ordinances.

Repeal.

SEC. 77. No ordinance nor any part or portion thereof shall be repealed, except by ordinance adopted in the manner provided in this section.

Publication of charter and ordinances.

SEC. 78. The city commission during the first year after its organization under this charter, and from time to time thereafter, shall cause all ordinances at such time in force to be classified under appropriate heads, and to be published in book form, together with or separately from the charter of the city and such provisions of the Constitution and laws of the State as the commission may deem expedient. Such book shall be prima facie evidence of the validity and contents of such ordinances.

Record of city ordinances.

SEC. 79. A true and correct copy of all ordinances shall be kept by the city clerk in a book marked "City Ordinances." A copy of any such ordinance, certified by the city clerk under the seal of the city, shall be prima facie evidence of the contents of such ordinance, and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Protection of absent commissioner.

SEC. 80. No final action shall be taken in any matter concerning the special department of any absent commissioner unless such business has been made a special order of the day by action at a previous meeting of the city commission, or unless in case of emergency, so declared by a unanimous vote of the remaining commissioners.

ARTICLE V.

OFFICERS AND EMPLOYÉS.

SECTION 81. Except as otherwise specified in this charter, the qualifications of officers and employés of the city shall be as follows: Each elective officer must be a citizen of the United States and of the State of California, and must have been a resident of the city of Sacramento for at least three years next preceding the date of his election. Residence within the limits of any territory which has been or may hereafter become annexed to the city of Sacramento shall, after any such annexation has been accomplished, be deemed and construed to have been within the city. Appointive officers of the first and of the second class, members of the park, playground and civil service boards, subordinate officers and municipal employés, except employés in the unskilled labor division, must be citizens of the United States; *provided, however*, that each member of the police or fire department, shall be a citizen of the United States, of good repute for honesty and sobriety, able to read and write the English language, and, except the chief of either of such departments, shall have been a resident of the city of Sacramento for at least one year next preceding his appointment; and further *provided*, that in appointments to positions, temporary or permanent, in the unskilled labor division, citizens of the United States shall be employed in preference to aliens, and married men and men of family in preference to single men, although the civil service board may, in time of public emergency, suspend this proviso governing the employment of unskilled laborers.

Special qualifications and duties of certain officers.

SEC. 82. In addition to the foregoing general qualifications, the following appointive officers of the first and second classes must possess the special qualifications and perform the duties hereinafter set forth.

City attorney.

(1) The city attorney must be an attorney at law, duly licensed to practice as such in all of the courts of this State, and must have been so licensed and engaged in the practice of his profession for at least five years next preceding the date of his appointment. All deputies and assistants of the city attorney must possess the foregoing qualifications. The city attorney shall perform such duties as are imposed upon him by law, by the provisions of this charter or by the direction of the city commission. He shall keep on file in his office all written opinions given by him to any officer, board or department, all briefs and transcripts used in causes in which he appears in behalf of the city, and bound books of record and registry of all actions or proceedings under his charge in which the city is interested, all of which shall be the property of the city. He shall deliver all books, records, reports, documents, papers, statutes, law books and property of every description in his possession belonging to his office, or to the city, to his successor in office, who shall give him duplicate receipts therefor, one of which he shall file with the auditor.

Judge of the police court.

(2) The judge of the police court must possess the same qualifications prescribed for the city attorney and must deliver to his successor in office all books, records, reports, documents, papers, statutes, law books, dockets and property of every description in his possession belonging to the city. He shall take duplicate receipts therefor, one of which he shall file with the auditor.

City engineer.

(3) The city engineer shall be a civil engineer of not less than five years' practical experience as such. He shall possess the same power in the city in making surveys, plats and certificates as is given by law to city engineers and county surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity given by law to those of city engineers or county surveyors. He shall be the custodian of, and responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition, with full indices thereof, and shall turn the same over to his successor, who shall give him duplicate receipts therefor, one of which he shall file with the auditor. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control during his term of office shall be the property of the city.

City treasurer.

SEC. 83. It shall be the duty of the city treasurer to receive and safely keep all moneys that shall come to the city by taxation or otherwise, and to pay out the same on demands audited in the manner provided by law. He shall perform such other

duties as may be prescribed by this charter, by general law, or by the city commission. Subject to the provisions of Section 16½ of Article XI of the Constitution of this State, and upon such conditions and in such manner as may be prescribed by law, or by the ordinances of the city, he may deposit the moneys in his custody in any national bank or banks doing a banking business in this State, or in any bank or banks organized under the laws of this State, and shall disburse the same, when so deposited, in the manner provided by the city commission by ordinance.

Purchasing agent.

SEC. 84. It shall be the duty of the purchasing agent, subject to the direction of the city commission, and to the provisions of Article VI hereof, to purchase all materials and supplies to be used by the city or in any department thereof. He shall acquaint himself with the needs and requirements of the city and shall procure and retain samples of all materials, fabrics and supplies of every kind necessary for its use. It shall be his duty to take advantage, for the benefit of the city, of all trade and cash discounts and favorable trade conditions that may arise. He shall inspect all purchases upon delivery and must reject any articles which fail to comply with the provisions of the contract as to weight, quantity or quality, and shall not approve any invoice or claim against the city unless the weight, quantity, quality and price of the articles therein enumerated are correctly stated according to the terms of the contract of purchase. He shall keep accurate records of all supplies purchased and of the disposition thereof. He shall have the custody of all supplies and shall deliver the same from time to time upon the written requisition of the officer or department requiring them. It shall be his duty to prevent waste and extravagance and to recommend to the city commission such methods of checking the same as may seem to him most likely to effect such purpose. It shall also be his duty to study market conditions and prices and to advise the city commission concerning the same at all times. He shall give such bond as the city commission may prescribe.

Storekeeper.

He shall, subject to the permission of the city commission, appoint an assistant, to be known as storekeeper, who shall, under the direction of the purchasing agent, perform the duty of receiving, safely keeping, and distributing all supplies and materials purchased for and belonging to the city. It shall be the duty of the storekeeper to inspect all tools, machinery and apparatus of the city in the custody of any officer or department, and to report in duplicate to the commissioner presiding over such department and to the city commission the condition of all such tools, machinery, apparatus and appliances, together with a statement of all shortages and breakages. He shall also have the custody of all tools, machinery and apparatus belonging to the city when not in use by any officer or department thereof. He shall furnish a bond to the city in such sum as the city commission may prescribe.

Auditor.

SEC. 85. The auditor shall, immediately upon taking office, and annually thereafter, inventory and appraise the value of all real estate, buildings, furniture and fixtures, supplies and movable property of every kind and nature whatsoever, in each of the departments, buildings and offices of the city, and thereafter may require of each officer or department head, an inventory of the same, and it shall be punishable by removal from office for any officer, superintendent or department head to neglect or refuse to make such inventory when required by the auditor. The annual balance sheet taken from the city ledger shall exhibit, under classified heads, all assets of the city, including its plant, equipment, material and supplies, cash on hand, investments, loans, and all accounts due and owing, of every character. In like manner such balance sheet shall show, under classified heads, all liabilities of every character.

SEC. 86. The auditor shall keep records and accounts which shall show plainly the financial condition of the municipality at all times. He shall submit to the city commission, on the first Monday of each month, an exhibit of the city's affairs, showing assets and liabilities, and revenues and expenses, in such manner, form and detail as may be prescribed by the city commission. He shall keep accurate accounts with the treasurer, and his records shall show at all times the exact condition of the treasury and of all appropriations and expenditures. He shall keep an official record of all demands audited by him, showing the numbers, dates, amounts, name of claimant, for what purpose and against what appropriation drawn. The auditor's office shall be the depository of all accounts, books, papers, vouchers and documents, pertaining to the debts, revenues and expenditures of the city.

SEC. 87. All claims and demands against the city, except coupons for interest and installments of the principal of outstanding bonds of the city, shall be paid only on demands as hereinafter provided, on forms and blanks to be prescribed by the city auditor, and shall be duly verified.

SEC. 88. Every claim and demand against the city, except as provided in the preceding section, shall be first presented to and approved by the board, commission or officer authorized by this charter to incur the expenditure or liability represented

thereby; and the action of such board or commission must be endorsed on such demand, and signed in writing by the president or by two members thereof, and the secretary or clerk thereof; and if such approval be made by an officer he, or his chief deputy, shall endorse the same by his signature in writing. In all cases the date of such approval shall be given.

SEC. 89. All demands approved by any board, commission or officer of the city shall be presented to the city auditor, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the city treasury is authorized by law, and out of what fund. If he approve it, he shall endorse the word "Approved," with the name of the fund out of which it is payable, and sign his name thereto; *provided*, that such approval by the city auditor shall be valid only for such amount as shall have been approved by the board, commission or officer approving the same. If, in the judgment of the city auditor, such demand should be allowed only for a less amount than approved by such board, commission or officer, or if he shall disapprove said demand, he shall transmit the same to the city commission, with his objections endorsed thereon.

SEC. 90. The city commission may overrule or sustain the objections of the city auditor to said demand, and its action shall be endorsed thereon, certified by the signatures of the president and city clerk, and the demand shall thereupon be returned to the city auditor. If the action of the city commission is to overrule the objections of the city auditor to said demand, he shall make record of the demand as in the case of demands approved by him; if the action of the city commission is to sustain the objections of the city auditor thereon he shall file said demand.

SEC. 91. No demand can be approved by any board or officer, or audited, unless it specify each several item with the date and amount thereof.

SEC. 92. No payment can be made from the city treasury, or out of the public funds of said city, unless the same be specially authorized by law or this charter, nor unless the demand which is paid be duly audited as in this charter provided. The term "audited," as used in this charter with reference to demands upon the treasury, is to be understood to mean that said demands have been presented to, passed upon and approved by every officer, board, commission or body, as required by this charter, or that the objections of the city auditor have been overruled, as herein provided, and this must appear upon the face of the paper representing the demand, otherwise it is not audited.

SEC. 93. No demand upon the treasury shall be allowed by the city auditor in favor of any person or officer in any manner indebted to the city without first deducting the amount of such indebtedness; nor to any person or officer having the collection, custody of or disbursement of public funds, unless his account has been duly presented, passed, approved and allowed, as required by law or this charter; nor in favor of any officer who shall have neglected to make his official returns or his reports in writing in the manner and at the time required by law or this charter, or by the ordinances or regulations made in pursuance thereof; nor to any officer who shall have neglected or refused to comply with any of the provisions of this charter or ordinances of the city, or any act of the Legislature regulating the duties of such officer, on being required in writing to comply therewith by the president of the city commission or the city auditor; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from the duties of his office during the office hours prescribed by this charter or by ordinance; *provided*, that auditor be notified in writing of the failure to make such returns or reports, comply with the law, this charter or ordinances of the city, or of the time such officer has been absent, unless the auditor is charged with such knowledge by reason of his official position.

SEC. 94. The city auditor must keep a record of all demands on the treasury approved by him, or his objections to which have been overruled, showing the number, date, amount, and name of the payee thereof, on what account allowed, and out of what funds payable, and it shall be a misdemeanor in office for the city auditor to deliver any demand with his approval thereon, or otherwise, until this requisite has been complied with.

SEC. 95. Nothing in this article contained shall be construed as interfering with or preventing the payment by the city treasurer of bonds of the city, and the interest coupons thereof, in accordance with the Constitution, laws and ordinances authorizing the issuance of said bonds.

SEC. 96. All public moneys collected by any officer or employé of the city shall be paid into the city treasury, without any deduction on account of any claim for fees, commissions or any other cause or pretense; and the compensation of any officer, employé or other person so collecting money, shall be paid by demands on the treasury, duly audited as other demands are audited and paid.

SEC. 97. No suit shall be brought on any claim for money against the city, its board of education, or any officer or board or commission of the city, until a demand for the same has been presented, as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against said city, or any board, officer or commission thereof upon any claim or demand which has been in whole approved and audited, as provided herein; *provided*, that nothing herein contained shall be construed so as to deprive the holder

of any demand of his right to resort to writ of mandamus or other proceeding against the city commission, or any board, commission or officer of said city, to compel it or him to act upon such claim or demand, or to pay the same when so audited.

Superintendent of streets.

SEC. 97½. The superintendent of streets shall be a civil engineer of at least five years' practical experience as such, two years of which shall have been devoted to general municipal engineering.

City building inspector.

SEC. 98. The city building inspector shall be appointed by and subject to the direction of the commissioner of public works. He shall perform such duties as the latter may from time to time direct and render such reports as may be required of him. He shall in all proper cases, issue permits for building operations to be carried on within the city, collect the legal fees therefor, and pay the same over to the city treasurer daily.

City electrician.

SEC. 99. The commissioner presiding over the department shall appoint a city electrician, who shall be a practical, qualified electrician or electrical engineer, and such other assistants and subordinates as may be authorized by the city commission. The city electrician shall have general charge and supervision over all municipal electrical matters, and, in particular, shall have charge of the construction and maintenance of the fire and police alarm systems. He shall have charge of the inspection of all the electrical wires and appliances for furnishing light, heat or power in, under, over or upon the streets and buildings of the city, and shall be charged with the duty of enforcing all ordinances, rules, regulations and requirements governing the installation and use of such wires and appliances. It shall be his duty to require the wiring in all buildings or other structures hereafter erected in the city to conform to the rules and regulations prescribed by the board of underwriters having jurisdiction over the territory within which the city is located, and to report in writing to the commissioner forthwith all buildings and other structures which he may discover within the city wherein such wiring does not conform to such rules and regulations, together with such recommendations concerning the same as may to him seem proper.

ARTICLE VI.

PUBLIC WORK AND SUPPLIES.

Contracts, form and execution.

SECTION 100. All contracts shall be approved as to form by the city attorney, and shall be signed in triplicate, one of which copies, with the specifications and drawings, if any, of the work to be done or materials to be furnished, or both as the case may be, shall be filed with the city clerk; one thereof with said specifications and drawings shall be kept in the office of the commissioner of the department under whose supervision the work is to be done; and the other with said specifications and drawings shall be delivered to the contractor.

Requirements for bids.

SEC. 101. All proposals shall be made upon printed forms to be prepared by the city and furnished gratuitously upon application, with a form for the affidavit, hereinafter provided for, printed thereon. Each bid shall have thereon the affidavit of the bidder that such bid is genuine and not sham or collusive, or made in the interest or in behalf of any person not therein named, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person, firm or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure to himself an advantage over any other bidder. Any bid made without such an affidavit or in violation thereof, and also any contract let thereunder, shall be absolutely void. All bids shall be clearly and distinctly written without erasure or interlineation, and no bid containing any erasure or interlineation shall be received or considered by the city commission. All proposals offered shall be accompanied by a check certified by a responsible bank, payable to the order of the city clerk, for an amount not less than ten per cent of the aggregate of the proposal; and no proposal shall be considered unless accompanied by such check. No person, firm or corporation shall be allowed to make or file or be interested in more than one bid for the same work unless alternative bids be called for. If, on the opening of said bids, more than one bid appear in which the same person, firm or corporation is interested, all such bids shall be rejected, except as above provided. On the day and at the hour specified in said notice inviting sealed proposals, the city commission shall assemble and remain in session for at least one hour, and all bids shall be delivered to the city commission, while it is so in session, and within the hour named in the advertisement. No bid not so delivered to the city commission shall be considered. Each bid as it is received shall be numbered and marked "Filed" by the city clerk, and authenticated by his signature. At the expiration of the hour stated in the advertisement the city commission shall, in open session, open,

examine and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the city commission by the city clerk. Before adjourning, the city commission shall compare the bids with the record made by the city clerk and shall thereupon, at said time, or at such other time, not exceeding twenty days thereafter, to which it may adjourn, award the contract to the lowest bidder, except as otherwise in this charter provided. Notice of such award shall forthwith be posted conspicuously for five days by the city clerk on a bulletin board at or near the door of the assembly room of the city commission. The city commission may reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contract with the city, and all bids other than the lowest regular bid; and on accepting such lowest bid, shall thereupon return to the proper parties the checks accompanying the bids so rejected. If all the bids are rejected, the city commission shall return all the checks to the proper parties and may again invite sealed proposals as in the first instance. The check accompanying the accepted bid shall be held by the city clerk until the contract for doing said work, as hereinafter provided, has been entered into, and the bond accompanying the same, as hereinafter provided, is approved and filed, whereupon said certified check shall be returned to said bidder. If said bidder fails or refuses to enter into the contract to do said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to the city; *provided*, that the procedure upon the part of the city leading to the awarding of such contract has been legal. The city commission shall not have the power to relieve from, or remit such forfeiture.

Penalty for collusion.

SEC. 102. If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded shall be null and void, and the contractor and his bondsmen shall be liable to the city for all loss or damage which the city may suffer thereby, and the city commission may advertise anew for bids for said work or supplies.

Bonds.

SEC. 103. At the same time with the execution of the contract the contractor shall execute to the city and deliver to the auditor a bond in the form named in the notice for proposals, conditioned for the faithful performance of the contract, with sureties to be approved by the city commission, or shall deposit with the auditor a certified check upon some solvent bank for the amount named in said bond. No individual shall be accepted as a surety upon such bond unless he be a taxpayer, paying taxes upon property situate within the city not exempt from execution or subject to homestead claim, the assessed value of which over and above all encumbrances is equal in amount to his liabilities on all bonds on which he may be surety to the city, and each surety shall certify and make an affidavit (for which a form shall be printed upon said bond), signed by him, that he is assessed upon the last assessment roll of the city, in his own name, for property in an amount greater than his liabilities on all bonds on which he is surety to the city, and that the taxes on such property so assessed are not delinquent. The contract shall specify the time within which the work shall be commenced and when to be completed, as was specified in the notice inviting proposals therefor. The city commission may extend said time, but in no event shall the time for the performance of any contract be extended for more than ninety days beyond the time originally fixed for its completion, except by the unanimous vote of the city commission. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as herein provided for, the contract shall by that fact be terminated and the city commission shall not thereafter pay or allow him any further compensation for any work done by him under said contract; and the city commission may proceed to complete such contract either by reletting or otherwise, and the contractor and his bondsmen shall be liable to the city for all loss or damage which it may suffer on account of his failure to complete his contract within such time.

Progressive payments on contracts.

SEC. 104. Any contract may provide for progressive payments, if in the ordinance or resolution authorizing or ordering the work permission is given for such contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for, or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the commissioner of the department having supervision of the work.

Public work to be done by contract.

SEC. 105. The erection, improvement and repair of all public buildings and works, all street and sewer work, and all work in or about streams, or water fronts, or in or about embankments or other works for protection against overflow or erosion,

and the furnishing of supplies and materials for the same, or for any other use by the city, or the purchase of any supplies to be used by the city, when the expenditure required for the same exceeds the sum of five hundred dollars (\$500), shall be done by contract and shall be let to the lowest responsible bidder, after advertising for five consecutive days in the official newspaper for sealed proposals for the work contemplated or supplies to be furnished. Such notice shall distinctly and specifically state the work contemplated or supplies to be furnished; *provided, however*, the city commission may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done by the department having supervision of the work or for the supplies to be purchased in the open market; but in no case shall such supplies be bought at a price as high as the lowest bid received from a responsible bidder. In case no bid is received, the city commission may likewise provide for the work to be done by the department having supervision of the work or the supplies to be purchased in the open market.

Indorsement of auditor on contracts.

SEC. 106. No contracts made, the performance of which is not provided by law or ordinance to be paid for by assessment upon the property benefited, shall be binding or of any force, unless the auditor shall indorse thereon his certificate that there remains unexpended and unapplied as herein provided, a balance of the appropriation for and applicable thereto, sufficient to pay the estimated expense of fulfilling such contract, or that adequate provision therefor has been made in the tax levy. This provision shall not apply to work done, or supplies furnished, involving expenditure of less than two hundred and fifty dollars (\$250), unless the same is required by law to be done by contract at public letting. The auditor shall make such endorsement upon every such contract so presented to him, if there remains unapplied and unexpended such amount, or if adequate provision therefor has been made in the tax levy, and thereafter such sum shall be held and retained to pay expenses incurred until the contract shall be fully performed. The auditor shall furnish weekly to the head of each department a statement of the unexpended balances of the appropriations for his department.

Contracts for official advertising.

SEC. 107. Except as in this charter otherwise provided, the city commission shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the city commission shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, including the type and spacing to be used, and asking for sealed proposals therefor. The city commission shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city of Sacramento which is a newspaper of general circulation, having a bona fide general circulation of at least two thousand (2,000) copies, and which newspaper has been published in said city for two successive years prior to the time of awarding the contract; *provided*, that the city commission may reject any or all bids if found excessive, and advertise for new bids. The newspaper to which the award of such advertising is made shall be known and designated as the official newspaper. Except when otherwise provided in this charter, or by general law, all official publications made by the city shall be made in the official newspaper only. All election notices, or lists of candidates for office, department reports, ordinances, charters, or charter amendments, advertising, publicity affairs, or other publications required or authorized by this charter, by general law, or by any ordinance of the city to be made in any newspaper, and all such publications for which the city of Sacramento may be liable, shall be paid for by the city at such rates as shall not, in any event, exceed the ordinary and regular advertising rates charged other advertisers; and all printing of books, pamphlets, bills, letter heads or other documents or printed matter required by the city shall be paid for at a price not exceeding the lowest prevailing business rates therefor. No bill shall be paid by the city for such advertising or printing in excess of the lowest prevailing business rates.

Contracts for lighting.

SEC. 108. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, and every such contract shall contain stipulations providing that, if at any time during the life of the contract any other consumer is given a lower or better rate than the one specified in the contract, the city shall be entitled to the benefit of such lower or better rate. All contracts must be let to the lowest bidder.

Collusion with bidder—effect on officer.

SEC. 109. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor

performed than has been actually performed, or to the receipt of a greater amount of different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office, and be forever ineligible to hold any office or employment under the city of Sacramento.

ARTICLE VII.

PUBLIC HEALTH AND SANITATION.

SECTION 110. There shall be a department of public health and sanitation under the administrative control of the commissioner of public health and safety. Said commissioner and department shall have supervision of all matters pertaining to the sanitary conditions of the city and the health of its inhabitants; and full power is hereby given said commissioner and department to supervise, control and regulate, among other things,

Defective drainage and sewage disposal;

Nuisances of every description;

The care, preparation, manufacture and sale of all articles of food or drink, or anything used for human consumption; and to fix and prescribe quarantine and other regulations framed to prevent the spread of infectious, communicable or contagious diseases dangerous to the public health, including the establishment and maintenance of an isolation hospital, and the removal thereto of any person in the city affected with an infectious, communicable or contagious disease which it shall be impossible so to quarantine and regulate in the dwelling of said person as to safeguard the public health, and including the power, when a case of disease suspected to be infectious, communicable, contagious or dangerous to the public health is reported to the health department, to visit the premises where such case is reported as being and examine the condition of such person; to supervise, control and regulate the relief of the indigent sick and wounded in the city, including the establishment and maintenance of a free dispensary and emergency hospital;

To regulate or prohibit the manner and place of killing and dressing any animal, fowl, bird or fish, not already regulated or prohibited by general law;

And to compel the owners or occupants of property to keep the same free from anything obnoxious, filthy or dangerous to the public health.

SEC. 111. The principal officer and executive of said department shall be a health officer who shall be appointed by the commissioner. He must be a physician, authorized by law to practice medicine in this State, unless at the time of his appointment as health officer he shall be in the service of the United States in his professional capacity. He shall have authority, under the commissioner, over all the officers and employes of the department.

SEC. 112. The subordinate officers of the department shall be a city physician, emergency surgeon, city bacteriologist, and such deputies and assistants as the city commissioners shall deem necessary; all of whom shall have the same qualifications as the health officer; also a secretary, who shall be statistician of the department and custodian of the records; a city analyst, who shall be a graduate of a recognized university or of a technical school and of at least five years' practical experience in analytical chemistry; a food and market inspector, who shall be a veterinary surgeon, qualified by law to practice in this State and of at least five years' experience in practice; a plumbing inspector, who shall be a master plumber as defined by the city ordinance, and of at least five years' experience as a master plumber; also a sanitary inspector. The city commission may provide for such other subordinate officers and assistants as may be necessary, but the health officer may himself perform the duties of one or more subordinate officers and may assign to one individual the duties of two or more such officers.

SEC. 113. The health officer, with the approval of the commissioner, shall prescribe rules, regulations and requirements, not in conflict with this charter, the ordinances of the city or with general law, for the conduct of the business of the department, the preservation of public health, and the maintenance of proper sanitary conditions within the city, including such forms and regulations for the government of physicians, undertakers and the administrators of cemeteries as shall be designed to preserve reliable vital and mortality statistics within and pertaining to said city. The commissioner, the health officer or any authorized inspector of the department shall inspect, when called upon by any person, and when in his or their judgment it seems necessary, any and all things offered for sale, or to be given away or given in exchange for use as food or drink, or for human consumption, and shall have the right to enter at any time for the purpose of making such examination or inspection any place or building, where anything for use as food or drink, or for human consumption is stored, manufactured, kept for sale or to be given away or given in exchange; and no person shall be permitted to sell or dispose of anything pronounced by said commissioner or health officer or any authorized inspector of the department to be unfit for food or drink or for human consumption, but all such articles must be seized and destroyed by said commissioner, health officer or authorized inspector. When the commissioner, the health officer or any authorized inspector of the department shall have inspected any place or building used for the storage, manufacture, sale or giving away or exchanging of anything used for food or drink or human consumption, and shall have found such place or building to be so filthy or unsanitary or the methods

or practices therein used so filthy or unsanitary as to endanger the public health, said health officer or inspector shall post at the entrances of said building or place notice of such inspection and finding and shall maintain such notice until the conditions or practices dangerous to the public health shall have been remedied or abated, and shall close such place or building and prevent its use for the storage, manufacture, sale, giving away or exchange of anything for use for food, drink or human consumption, until said place or building shall be put in such condition and so used as no longer to endanger the public health. The health officer shall visit periodically all public buildings and schoolhouses in the city and examine the manner in which they are lighted, ventilated and heated, and their sanitary condition, and report his findings thereupon in writing to the commissioner at least quarterly. The health officer shall certify to the superintendent of schools the names and addresses of all persons within the city sick of such infectious, communicable or contagious disease, as may be listed by the health department so to be certified.

SEC. 114. The health officer shall see to it that the laws of the State and ordinances of the city relative to public health and sanitation and all rules, regulations, orders and requirements of the health department, are promptly enforced. The commissioner, the health officer and any other regularly appointed employé of the health department shall have the right and power to arrest any person or persons who may violate any of the rules, regulations, orders or requirements of the health department, or any ordinance or general law relating to the maintenance of the public health and the sanitation of the city. It shall be the duty of the commissioner and of the health officer to abate, or cause to be abated, any and all nuisances within the city limits that are offensive to the senses, or that are, or threaten to become, if suffered to continue, detrimental to the public health. All pools of stagnant water, and all collections of filth, garbage, manure or other substances that are, or may become, breeding places or food for mosquitoes, flies, rats, or other disease-carrying insects or animals, are hereby declared to be nuisances within the meaning of this section. Whenever any such nuisance exists within the city limits, the commissioner or health officer shall, upon acquiring knowledge thereof, order the owner or occupant of the premises whereon such nuisance exists, to abate or remove the same within such time as shall be specified in the order. If the owner or occupant of such premises fails, neglects or refuses to obey such order, or if the premises be unoccupied and the owner or his agent can not be found upon reasonable inquiry, the commissioner or health officer shall proceed summarily to abate or remove such nuisance and shall defray the expense thereof out of any moneys in the city treasury available for such purpose. All expenditures so incurred shall be charged against the owner and shall be a lien upon the lot and premises whereupon such nuisance existed. It shall be the duty of the commissioner or health officer to forward forthwith to the city attorney a written statement of all such expenditures incurred by him in carrying out the provisions of this section, and it shall be the duty of the city attorney to proceed without delay to foreclose such lien, or otherwise compel the owner of such premises to repay the amount thereof to the city, together with all costs and charges of collection.

SEC. 115. The health officer or a responsible subordinate shall have management and control of the cemeteries owned by the city so far as relates to the sale of lots and burial space, to interments and exhumations and the other business of the cemetery; and shall issue all permits for burials, exhumations and cremations within the city limits or within the cemeteries owned or controlled by the city, and shall exercise over cemeteries without the city such control and supervision as is by general law provided. No interment, cremation or exhumation shall be made in any cemetery owned or controlled by the city or in any cemetery within the city, or in any cemetery within the city's jurisdiction, unless the health officer or responsible subordinate is satisfied of the correctness and reliability of the certificate of death presented for his inspection. The health officer or his responsible subordinate shall keep such records, make such reports and perform such duties in relation to cemeteries and the disposal of the dead as may be required of him by general law, by this charter, by ordinance or by the rules, regulations and requirements of the health department. The health officer shall make to the commissioner of public health and safety an annual report, and may at any time be required to make special reports, concerning the health and sanitation of the city, with his observations and recommendations thereupon, together with mortuary and other statistics concerning the department.

SEC. 116. The secretary of the health department shall keep a record of the transactions of the department and of its rules, regulations and requirements, and be the custodian of all records pertaining thereto, including all vital records, or death or cemetery records now belonging to the city. He shall keep in the form prescribed by the health officer complete records of all births and deaths within the city, interments in the city cemeteries or cemeteries in private ownership within the city limits, or within the city's jurisdiction, and shall keep such other statistics and perform such other duties relating to the health and sanitation of the city as may be required of him.

SEC. 117. Every person in the city shall promptly report to the health department every patient whom he shall have sick of an infectious, communicable or contagious disease, dangerous to the public health or a disease which the health department shall have issued official notice is to be reported; and every householder, upon

reasonable notice from the department that an occupant of his or her house is suffering from any infectious, communicable or contagious disease dangerous to the public health, shall forthwith adopt such preventive means and regulations as the department shall prescribe. Every person who shall fail to report such case of sickness, as required herein, and every householder or head of family who shall knowingly conceal such case of sickness, and every person who shall so go or conduct himself or allow a minor child to so go or conduct himself upon a street or other public ground while suffering from a disease which the health department has issued official notice is to be reported as infectious, communicable or contagious or dangerous to the public health, as to expose other persons to the danger of contracting the same disease, and every person who shall fail to comply with the rules, regulations and requirements of the health department, shall be subject to such fines and penalties as the city commission may, by ordinance, prescribe. The commissioner of public health and safety and the health officer shall have authority to administer oaths and require the giving of sworn testimony, in matters connected with the health department.

ARTICLE VIII.

WATERWORKS.

SECTION 118. The chief and assistant engineers of the waterworks department must be experienced engineers, with a practical knowledge of condensing engines and hydraulics.

Duties of the chief engineer.

SEC. 119. The chief engineer shall devote his entire time to the duties of the waterworks, and shall not engage in any other occupation or business requiring his personal attention, nor absent himself from the city without first obtaining the written permission of the commissioner of public works and filing the same in the office of the city clerk.

Use of the water.

SEC. 120. It shall be the duty of the commissioner of public works to investigate and regulate the use of water and to prevent its waste. He shall formulate a system for an equitable assessment of water charges upon all persons or property using the same, and for the collection by the city collector of the rates so assessed, and shall embody the same in an ordinance to be by him submitted to the city commission for its adoption. He shall also rigidly enforce all penalties that are now prescribed, or may be hereafter prescribed by the city commission, for the violation of the provisions of any ordinance governing the use of water, and prosecute all persons offending against the same.

Reserve fund.

SEC. 121. A sum not exceeding twenty per cent of the gross receipts in the waterworks department shall be charged annually to the expense account for depreciation. The amount thus charged shall be set aside and credited to the waterworks department reserve fund and shall be used only toward the replacement of obsolete and worn-out equipment, or the betterment or extension of the service.

City tapper.

SEC. 122. There shall be a city tapper, who shall, under the control of the chief engineer of the waterworks, have charge of all water mains and pipes, stand pipes, tanks, gates, valves, fire hydrants and taps, and shall supervise the laying, changing or removal of all water mains, putting in of taps, the flushing of hydrants and sewers, and shall perform such other duties as may, from time to time, be prescribed by the commissioner of public works or the chief engineer of the waterworks department. He shall keep a correct record of all alterations or additions made to the mains and pipes, gates, valves, taps and hydrants, and of all labor performed under his direction; he shall make a written report covering the same to the chief engineer of the waterworks department on or before the fifth day of each month, together with such recommendations as to him may seem to be in the interest of the public service. He shall be charged with and account for all tools and materials supplied to his department. He shall make up the monthly pay roll of his department, certify to the same, and present it to the commissioner of public works, who shall verify the same before passing it on to the city commission for approval. All assistants and other employees of the city tapper shall be under his immediate supervision and control and shall perform such duties as he may assign to them.

Block book.

SEC. 123. It shall be the duty of the city tapper to cause to be made, in duplicate, block books containing a complete and comprehensive map or plat of the city water pipe system, arranged by blocks, showing the location and size of every main or lateral, pipe, fire hydrant, house tap, air valve, blowoff, and other fixtures and connections. Said block book shall, at all times, be a faithful and accurate record of all the matters hereinabove provided for, and, from time to time, shall be corrected and amended so as to show all extensions, additions and alterations of the system. One of

said books shall be kept at the office of the chief engineer of the waterworks, and the other at the office of the superintendent of streets. Both shall be public records and shall forever remain the property of the city.

ARTICLE IX.

HARBORS AND WHARVES.

SECTION 124. The city commission shall fix and prescribe rules and regulations governing the use of any and all docks, wharves, elevators and warehouses belonging to or under the control of the city, and shall fix the charges or tolls to be collected for such use. There shall be a harbormaster whose duty it shall be to supervise, manage and control the use and occupation of all municipal docks, wharves, elevators and warehouses, and to collect the rates and tolls established by the city commission for such use. He shall keep a detailed record of all receipts and disbursements made by him, showing, under appropriate headings, the nature of each item. All receipts given by the harbormaster for moneys collected by him shall be written in triplicate; one copy thereof shall be delivered to the person from whom such money is received, one copy delivered to the auditor, and one copy retained by the harbormaster. All moneys by him collected shall be deposited with the treasurer daily and the treasurer's duplicate receipt for the same shall be filed with the auditor. The treasurer shall deposit all moneys received from the harbormaster in the city treasury to the account of the appropriate department.

SEC. 125. All disbursements for the maintenance, operation or extension of any municipal dock, wharf, elevator or warehouse shall be made under the direction and control of the commissioner of public works and shall be charged by the auditor to the fund or funds from which such moneys may be paid. It shall be the duty of the auditor to render to the city commission, monthly, a detailed report of all moneys received and disbursed in connection with all municipal docks, wharves, elevators and warehouses, which must be published in the Official Gazette.

SEC. 126. A sum not exceeding twenty per cent of the gross receipts shall be charged annually to the expense account for depreciation. The amount thus charged shall be set aside and credited to a harbor and wharves reserve fund, and shall be used only toward the replacement of obsolete or worn-out equipment, buildings, docks, wharves, elevators or plants, or the construction of new work of this character.

ARTICLE X.

FINANCE AND TAXATION.

SECTION 127. The fiscal year of the city shall commence on the first day of January of each year and shall end on the thirty-first day of December next following.

SEC. 128. It shall be the duty of every officer of the city, the conduct of whose office requires the expenditure of money, and of every board or commission having the management or control of any department of the government of the city, to prepare and file with the commissioner of finance, on or before the first day of July of each year, a detailed estimate in writing of the amount of expenditure required for the proper conduct of the business of their respective offices and departments for the next ensuing fiscal year, including a statement of the salaries of their subordinates.

SEC. 129. The city commission shall meet annually prior to fixing the tax levy and, by resolution, shall make a budget of the estimated amounts required for the interest and sinking funds for the bonded indebtedness of the city and for conducting the business of the city for the ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, officer, board or fund as the city commission may determine. In making such budget the city commission may provide for an emergency fund. After the budget is made in accordance herewith, it shall be signed by the commissioner of finance, attested by the city clerk and signed by the auditor and the several sums thereof shall thereupon be deemed apportioned to the several purposes, departments and offices therein specified for the ensuing fiscal year. Such budget, when so prepared, shall be published in detail in the Official Gazette.

SEC. 130. Any balance of appropriation remaining unexpended to the credit of any office or department shall, at the close of the fiscal year, be paid into the cash basis fund, until such time as the same shall be sufficiently large to accomplish the purposes for which it is designed; whereupon the city commission shall order all such balances to be paid into the general fund.

SEC. 131. The commission shall meet as a finance committee each week on a day which must be fixed by ordinance, to pass upon all claims and demands against the city, and each demand approved shall be endorsed "Approved" by the commissioner of finance over his signature, and be registered by the city clerk by entry showing date, name, amount and for what purpose allowed, and passed to the auditor for his approval and registration.

SEC. 132. The commissioner named as the head of each department shall audit all accounts or claims against it. If he be absent or fails to do so, the city commission shall appoint a commissioner to act in his stead, to audit such claims, and accounts. Before payment all accounts shall be approved by the commission. The commission

shall publish monthly in the Official Gazette, a full, clear and complete statement of all taxes and other revenue collected and sums expended during the preceding month. Such statement shall be compiled according to the uniform system prescribed by the United States Census Bureau.

SEC. 133. The city commission shall prescribe a uniform system of accounting for the city and shall employ at the beginning of each fiscal year, a certified public accountant who shall, at least twice each year, without notice, examine the books, records and reports of the auditor and of all officers and employes who receive or disburse city money, and of such other officers and departments as the commission may direct. Reports of such examination, in triplicate, shall be made and one each thereof shall be filed with the city clerk, auditor and city attorney. Any officer, clerk or employe who shall refuse to give all required assistance and information to such accountant, or submit to him, for examination such books, papers and records of his office as may be requested, shall forfeit his office.

SEC. 134. The head of each department, and each officer of the first class, shall make a written detailed report to the commission not later than the fifth day of May of each year, showing the operation of each department and office for the preceding year.

TAXATION.

SEC. 135. All property in the city, not exempt, under the laws of the State or of the United States, excepting property used exclusively for public schools, and such as may belong to the United States, to the State of California, to Sacramento County, or to the city, is subject to taxation for municipal purposes. All taxable property must be assessed at its full cash value. Land and improvements thereon must be separately assessed.

(1) Except as in this article otherwise provided, the assessment of property taxable in the city for municipal purposes, the equalization of assessments and collection of taxes, and the sale of property for unpaid taxes and the redemption of property sold for taxes, shall be made and had at the same time and manner, and with like effect, as now or may be hereafter provided by law for the assessment of property, equalization of assessments, levy and collection of taxes and sale of property for unpaid taxes for state and county purposes, and redemption thereof; and all provisions of law applicable to such assessment, equalization, levy, collection and sale for state and county purposes, are hereby applied to and shall be the law governing such assessment, equalization, levy, collection and sale for municipal purposes; and the respective officers of the city shall have, possess and perform the same powers and duties in all matters concerning revenue and taxation for municipal purposes as are by law conferred or imposed upon county officers in matters concerning revenue and taxation for state and county purposes; and to that end:

First—All powers and duties so by law conferred or imposed upon the county assessor are hereby conferred and imposed upon the city assessor.

Second—All powers and duties so by law conferred or imposed upon the board of supervisors are hereby conferred and imposed upon the city commission.

Third—All powers and duties so by law conferred or imposed upon the district attorney are hereby conferred and imposed upon the city attorney.

Fourth—All powers and duties so by law conferred or imposed upon the county tax collector are hereby conferred and imposed upon the city collector.

Fifth—All powers and duties so by law conferred or imposed upon the county treasurer are hereby conferred and imposed upon the city treasurer.

Sixth—All powers and duties so by law conferred or imposed upon the county clerk and county auditor are hereby conferred and imposed upon the city clerk and city auditor.

The assessor need not require from any person any statement as to any property not taxable in the city, nor transmit or send to any officer other than the officers of the city any statement or report whatsoever, nor make any record or entry as to equalization by the State Board of Equalization, or as to school, road or other districts.

(2) On or before the first Monday in July in each year the assessor shall complete his list, or assessment roll, and shall attach his certificate thereto and deliver it, and the books and any maps he may have accompanying the same, and all the original lists of property given to him, to the city clerk, and the clerk shall thereupon notify the board of equalization of the fact. Said roll shall be kept in his office for public inspection.

(3) The city commission may, by resolution, extend for not exceeding thirty days, the time fixed in this article for the performance of any act.

(4) No city officer shall be required, by virtue of anything contained in this article, to send or transmit any statement or report to any state officer or board.

(5) All papers and instruments required to be filed or recorded with or by the county recorder by the revenue and taxation laws of the State shall, under said laws as applied to the city, be in like manner and with like effect filed with and recorded by the county recorder of Sacramento County.

(6) The assessment of property within the city of Sacramento, or assessable by the city, made by the city assessor and the State Board of Equalization, shall be the basis of taxation for the city.

(7) It shall be the duty of the assessor, at any time subsequent to the first Monday in July and prior to the fourth Monday in August of each year, to assess any property which shall not be on the regular list, and he shall enter such assessment in a separate portion of the tax list or assessment roll, under the head of "Subsequent Assessments," and shall deliver the same, certified by him, or a true copy thereof, to the city clerk, to be by him compared with the entries on the assessment roll.

Board of equalization.

SEC. 136. The city commission shall meet at its usual place of meeting on the second Monday in July of each year at 11 o'clock in the forenoon of said day, and sit as a board of equalization, for the purpose of equalizing the taxes, and shall continue in session from day to day, until and including the last Monday in July. Said board of equalization shall have power to hear complaints and to correct, modify, strike out, or to lower or raise any assessment; *provided*, that at least one day's notice shall be given to the party whose assessment is to be raised.

SEC. 137. During the session of the city commission, it may direct the assessor to assess any taxable property that has escaped assessment, or to add to the amount, number, or quantity of property, when a false or incomplete list has been rendered, and to make and enter new assessments (at the same time cancelling previous entries) when any assessment made by him is deemed by the commission so incomplete as to render doubtful the collection of the tax. The city clerk must record, in a book kept for that purpose, all changes, corrections and orders made by the city commission, and must enter upon the assessment book all changes and corrections so made, and must, on or before the third Monday in August, deliver the assessment book, so corrected, to the city auditor, unless the city commission shall fix a different time.

Annual estimate of city's requirements and revenue.

SEC. 138. It shall be the duty of the commissioner of finance, from time to time, to make such recommendations to the city commission as he may deem to be for the welfare of the city. On or before the third Monday in August in each year, he shall submit to the city commission an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding and bonded indebtedness of the city, and the wants of all the departments of the municipal government in detail, and showing, specifically, the amount necessary to be provided for each fund and department. He shall also submit an estimate of the amount of income from fines, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

SEC. 139. The city commission shall establish a general fund, and may, also, before fixing the annual tax rate, by ordinance, provide for such special and separate appropriations, as may be necessary to pay the several funded obligations of the city, if any, and the expenses of the several departments of the city. Such special funds or appropriations shall not be diverted to any other purposes than those for which they have been specifically created.

Annual tax levy.

SEC. 140. The city commission must, not later than the first Tuesday in September, finally adopt an ordinance, subject to the provisions of this charter, levying upon the assessed valuation of property in the city a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, making suitable allowance for delinquencies, less the amounts estimated to be received from fines, licenses and other sources of revenue. Such levy shall not in any event exceed the rate of one dollar and twenty-five cents on each one hundred dollars of the assessed value of all real and personal property within the city not exempt from taxation by the Constitution, the laws of this State or this charter; *provided*, that the city commission shall have the power to establish, levy and collect an additional tax if two thirds of the votes cast at any election at which the question of levying such additional tax is submitted to the people, shall be in favor thereof. As soon as the tax levy is fixed, as herein provided, the assessment roll of said city shall be delivered to the city auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The roll as corrected shall be the assessment roll for said year, and it shall be certified by the auditor.

Bond taxes, library tax, school tax.

SEC. 141. The city commission shall have power to levy and collect taxes, in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city, and provide for the establishment and support of free public libraries and reading rooms; and when requested by the board of education the city commission may levy, annually, a tax not to exceed five cents on each one hundred dollars of the assessed value of the real and personal property within the city for the sole purpose of purchasing land for educational uses and for the construction of permanent school

buildings or permanent additions thereto. The money collected for school purposes shall be immediately paid into the proper school fund, to be drawn out only on the order of the board of education and only for the purposes for which it was collected.

Tax liens.

SEC. 142. All taxes assessed, together with any penalties or percentages imposed for delinquency and the cost of collection, shall constitute liens on the property assessed. Every tax upon personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March of each year and may be enforced by actions in any court of competent jurisdiction to foreclose such liens or by a sale of the property affected; *provided*, that where real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city in like case, and in like manner and with like effect, and with like right of redemption, as it may be struck off and sold to the State when offered for sale for State or county taxes, except that no certificate or receipt need be delivered to the State Controller.

SEC. 143. The city collector must, on the second Monday of July each year, attend at the office of the city auditor, with the delinquent list, and the auditor must then carefully compare the list with the assessments of persons and property not marked "Paid" on the assessment book, and when taxes have been paid, must note the fact in the appropriate column in the assessment book. The auditor must then administer to the collector an oath to be written and subscribed on the delinquent list, that every person and all property assessed on the delinquent list, on which taxes have been paid, have been credited in the list with such payment, and that the taxes not marked "Paid" have not been paid, and that the collector has not been able to discover any property of the persons liable to pay the same, out of which to make the collection. The auditor must then foot up the amount of the taxes unpaid, and credit the collector therewith, and have a final settlement with him; and the delinquent list must remain on file in the auditor's office. Interest must be collected on all such delinquent taxes at the rate of one per cent per month from the time delinquent until paid.

SEC. 144. The city assessor, between the first Monday in March and the first Monday in July in each year, must collect the taxes on all personal property, when the owner thereof has no real estate; or when, in his opinion, said taxes are not a lien on real property sufficient to secure the payment, he may enforce such collection by seizure and sale of any personal property owned by the person liable to pay the tax. Such sale must be made at public auction after five days' notice, given by publication in the Official Gazette, or by posting in three public places in the city, and must be of a sufficient amount to pay the taxes, percentages and costs. For seizing or selling personal property, the assessor may charge, in each case, the sum of three dollars (\$3) costs. On payment of the price bid, the delivery of the property, with a bill of sale, vests the title in the purchaser. All excess over the taxes, percentages and costs of the proceeds of any property so sold, must be returned to the owner, and, until claimed, must be deposited in the city treasury for his benefit. The unsold portions of the property seized may be left at the place of sale, at the risk of the owner. The assessor shall be governed, as to the amount of taxes so collected on personal property, by the rate of the previous year. When the rate is fixed for the year in which the collection is made, then, if a sum in excess of the rate has been collected, the excess shall be repaid by the treasurer to the person from whom it was collected, and if a sum less than the rate has been collected, the deficiency must be collected, as are other taxes on personal property.

SEC. 145. The auditor must, as soon as the assessment book for the year comes into his hands, note opposite the names of all persons from whom personal property taxes have been collected the amount thereof, and as soon as the rate for the year is fixed, he must also note on the assessment book, in connection with the previous entry, the amount of excess or deficiency.

SEC. 146. Omissions, errors, or defects of form in the assessment book, or in the delinquent list, may, with the written consent of the city attorney, be supplied or corrected by the assessor at any time prior to the sale for delinquent taxes. In the assessment, advertisement, and sale for taxes, initial letters, abbreviations, and figures may be made use of, and no assessment or act relating to the assessment or collection of taxes is illegal on account of informality, nor because the same was not completed within the time designated.

SEC. 147. All taxes assessed before this charter takes effect must be collected at the time provided for, and under the laws in force at the time the assessment was made, and all such taxes shall be valid and collectible the same as if this charter had not been adopted.

SEC. 148. Nothing in this charter shall ever be construed as permitting or authorizing any portion of the taxes levied and collected for the respective special funds, which the commission is authorized to establish, to be made use of in payment of any indebtedness of the city existing prior to January 1st, 1888, nor shall the total amount of taxes collected and made use of in any one year, in payment of any indebtedness of the city which existed prior to January 1st, 1888, ever exceed fifty-five cents on each one hundred dollars (\$100) upon the assessment book.

Cash basis fund.

SEC. 149. The city commission shall create and maintain a permanent revolving fund, to be known as the cash basis fund, for the purpose of putting the payment of the running expenses of the city on a cash basis. For this purpose the city commission shall provide that from the money collected from the annual tax levy and from money received from other sources, a sum equal to not less than two and one half (2½) cents on each one hundred dollars (\$100) of the assessed value of all real and personal property in said city shall be placed in such fund until the accumulated amount therein shall be sufficient to meet all legal demands against the treasury for the first four months or other necessary period of the succeeding fiscal year. The city commission shall have the power to transfer from the cash basis fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the city commission to provide that all money so transferred from the cash basis fund be returned thereto before the end of the fiscal year.

Special deposit fund.

SEC. 150. There is hereby created a fund to be known as the special deposit fund, wherein shall be deposited all moneys received by the city or any department, office or board thereof, for the purpose of guaranteeing the payment of any costs, charges or damages accruing, or liable to accrue, to the city from the depositor, or the performance of any act or thing which such depositor may undertake to do or perform, including all moneys deposited as bail to secure the liberation of any person accused of a public offense, and all moneys required to be deposited for the purpose of indemnifying persons whose property is in danger of being damaged or destroyed by the operations of the depositor. The moneys so deposited may be returned to the depositor, should he become entitled to the return thereof, in such manner as the city commission may by ordinance prescribe, or upon default being made in the payment of any such costs, charges, or damages, or in the performance of any such condition, act or thing, may be declared forfeited, in whole or in part, and be so disposed of as the city commission may direct.

Bonded indebtedness.

SEC. 151. The city commission may contract bonded indebtedness, as follows: It shall, by order duly passed, by yeas and nays, recorded in its journal of proceedings, specify the particular purpose for which the indebtedness is to be created, and the amount of bonds which it is proposed to issue. The city commission shall then provide for submitting the question of the issue of said bonds to the qualified electors of the city, at a special municipal election to be called by the city commission for that purpose, and it shall be held, as nearly as possible, in conformity with the general laws of this State. Notice shall be given of such election by publication for three weeks next prior thereto, in the official newspaper of the city, in which notice the amount of such bonds proposed to be issued, the term of years they are to run, the object for which the indebtedness is to be created, and the rate of interest to be paid, shall be distinctly stated. The ballots shall be printed: "For the issue of bonds, Yes"; "For the issue of bonds, No." If two thirds of the electors of the city so voting at such election shall vote in favor of issuing bonds, and not otherwise, the city commission may proceed to issue the amount of bonds specified; said bonds to be in sums of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) each, having not more than forty years to run, and bearing interest at a rate per annum not exceeding six per cent, payable semi-annually; the said bonds to be payable and redeemable at any time at the pleasure of the city, and substantially in the following form:

No. _____
The city of Sacramento, in the State of California, for value received, promises to pay to _____, or to the order of the treasurer of said city, on the first day of _____ in the year _____, or at any time before that date at the pleasure of the city, the sum of _____ dollars, gold coin of the United States, with interest at the rate of _____ per cent per annum, payable at the office of said treasurer semi-annually, on the first day of _____ and _____ in each year, on presentation and surrender of the interest coupons hereto attached. In witness whereof, the said city, by its city commission, has caused this bond to be signed by the president of the city commission and attested by the city auditor, with the corporate seal of said city hereto attached, this _____ day of _____ in the year _____

President of the City Commission.

[Corporate Seal]

Attest:

City Auditor.

The interest coupons shall be in the form following and signed by the auditor:

No. _____
The treasurer of the city of Sacramento, California, will pay to the holder hereof, on the _____ day of _____ in the year _____, at his office in said city, the sum of _____ dollars, gold coin of the United States, for interest on city bond No. _____

City Auditor.

SEC. 152. Whenever bonds issued under this charter shall be duly executed, numbered consecutively, and sealed, they shall be delivered to the city treasurer, and his receipt taken therefor, and he shall stand charged on his official bond with all such bonds delivered to him, and the proceeds thereof. The treasurer shall then proceed to sell said bonds at not less than par value, together with any accumulated interest, under direction of the commission, and for the highest prices obtainable; and whenever said bonds, or any portion thereof, are sold, he shall report the fact to the auditor, stating under oath to whom sold, and for what price, and the auditor shall at once apportion the moneys arising from such sale to the proper fund in the treasury, filing a statement of such apportionment with the treasurer. The commission shall have the power, and must create and name, the fund or funds of the city into which the money obtained from the sale of bonds shall be paid. And before or at the time of issuing said bonds the commission shall, by ordinance, provide for the levy and collection of a tax, to be levied and collected each year at the same time and in the same manner as other city taxes, sufficient to pay the annual interest upon such bonds issued and outstanding, and not less than such proportionate part of the principal thereof as one year's time bears to the whole term for which such bonds are to run; and in such manner that at or before the date of maturity of the bonds the whole amount collected therefor shall be sufficient to discharge the whole amount of the principal and interest. And the commission must, annually, thereafter levy such tax in sufficient amount to comply with the provisions of this section and the ordinance of the commission aforesaid; and the moneys arising from such levies shall be used for the payment of such bonds and interest coupons, and for no other purpose whatever. Whenever the amount in the hands of the treasurer belonging to the bond fund, after setting aside the sum required to pay the interest maturing before the next levy, is sufficient to redeem one or more such bonds, he shall publish, once a week for two weeks, in the official newspaper of the city, a notice to the effect that he is prepared to pay such bond or bonds (giving the number thereof), and that if the same are not presented for redemption within thirty days after the first publication of such notice, the interest on such bonds will cease. He shall at the same time deposit in the post office a copy of such notice, enclosed in a sealed envelope, with the postage paid thereon, addressed to the owner or owners, as shown by the record thereof, kept in the treasurer's office. If such bond or bonds be not presented within the time specified in such notice, the interest thereon shall cease, and the amount due be set aside for the payment of the same whenever presented. All redemptions of bonds shall be made according to priority in order of their issuance, beginning at the first number.

SEC. 153. The city commission, by a vote of not less than three members thereof, may, whenever it be deemed desirable for the public interest, refund any outstanding bonded indebtedness of the city by the issue of other bonds, in such form and under such conditions as may be prescribed by general laws of the State of California in force at the time of such issue; *provided, however*, that such new bonds shall not bear a greater rate of interest than five per centum per annum.

ARTICLE XI.

POLICE DEPARTMENT.

Organization.

SECTION 154. The police department shall consist of a city commissioner, a chief of police, a police force, and all such subordinate officers, clerks, employés and other attachés as the city commission may, from time to time, prescribe. It shall be the duty of the commissioner to appoint, promote, reduce or prefer charges against any member of the department as in Article XX provided. Every appointee to the department shall not be less than twenty-one, nor more than thirty-five years of age, must possess the physical qualifications prescribed by the civil service board (which shall not in any case be inferior to those required for recruits of the United States army), and, before his appointment, must pass a satisfactory examination under such rules and regulations as may be prescribed by the civil service board.

Police department rules.

SEC. 155. It shall be the duty of the city commission to prescribe rules and regulations for the government, discipline, equipment and uniform of the departments, and to prescribe penalties for the violation of any rules or regulations. All such rules and regulations must be reasonable and couched in plain and concise language. Such rules and regulations, together with the penalties for the violation of each, shall be printed in the manual published for the guidance and information of the members of the police department. Second or repeated violations of any rule or regulation shall be punished with increasing severity, except as otherwise herein provided.

Chief of police.

SEC. 156. The chief of police shall be appointed by the commissioner presiding over the police department, and shall hold office at the pleasure of the appointing power; *provided, however*, that should a member of the regular police force of the city be appointed chief of police, his dismissal by the commissioner from the office of chief of police shall not accomplish his dismissal from the department, but he

shall be restored to the rank and grade held by him prior to his appointment as chief of police. He shall have control, management and direction of all members of the department in the lawful exercise of his functions, with full power to detail any of them to such public service as he may direct, and with like power to discipline any member of the department in accordance with the provisions of Article XX. He shall, subject to the direction of the commissioner, have control and management of the city prison.

SEC. 157. In the enforcement of law and the ordinances of the city, and in the suppression of any riot, public tumult, disturbance of the public peace or organized resistance against the laws or public authority, the chief of police shall, in the lawful exercise of his functions, have all the powers that are now or may be hereafter conferred upon sheriffs by the laws of the State.

SEC. 158. He shall be responsible for the execution of all laws and ordinances and the rules and regulations of the department. He shall see that the orders and processes issued by the police court, and such other orders and processes as may be placed in his hands, are promptly executed, and shall exercise such other powers connected with his office as may be provided for in the rules and regulations of the department.

SEC. 159. He shall keep a public office, to be provided by the city commission, which shall be open at all hours, day and night, and at which he or a police officer designated by him shall be in constant attendance. He shall devote his entire time to the discharge of the duties of his office, and shall not, save when on vacation, absent himself from the city except by the written permission of the commissioner in charge of the department, unless in pursuit of persons who have committed public offenses within the limits of the city. He may from time to time disburse such sums for contingent expenses of the department as, in his judgment, shall be for the best interest of the city, to be paid out of the contingency fund allowed the department. The aggregate of all such sums shall not in any one fiscal year exceed the amount appropriated to such fund.

SEC. 160. The chief of police shall possess powers of general police inspection, supervision and control over all pawnbrokers, peddlers, junkshop keepers, dealers in second-hand merchandise, auctioneers and intelligence office keepers. In the exercise of such powers, the chief may, in writing, empower members of the police department to examine the books and premises of any such person, when in search of property feloniously obtained or in search of evidence to convict any person charged with crime.

Police officers.

SEC. 161. No member of the police force shall be allowed to receive any money, gratuity or compensation for any service he may render as an officer, except rewards which have been publicly offered for the apprehension and conviction of criminals, without the consent of the city commission. The members of the police force shall not follow any other profession, calling or business, but shall devote their entire time to the performance of their official duties, nor shall they be allowed pay for any period during which they shall absent themselves from public duty, except as in this charter provided. It shall be the duty of each member of the police force to acquaint himself with the provisions of this charter, with all ordinances of the city and with all laws of the State defining public offenses and regulating criminal proceedings. The city commission shall, by ordinance, provide for the appointment and compensation of such extra policemen as may, from time to time, become necessary for temporary duty, and may also, by ordinance, provide for the appointment of special policemen, to be paid by the person, firm or corporation petitioning for the same. All extra and special policemen shall possess all the powers and discharge all the duties of regular policemen, and be under the direction and control of the chief of police, and be subject to and obey all rules and regulations of the police department.

ARTICLE XII.

POLICE COURT.

SECTION 162. There is hereby constituted a police court, in and for the city of Sacramento.

SEC. 163. A judge of the police court shall be appointed by the city commission and shall hold office at the pleasure of said commission.

SEC. 164. Said police court shall have jurisdiction:

(1) Of all misdemeanors enumerated by the general laws or by ordinances of the city and of all other crimes cognizable by justices' courts and courts of justices of the peace and police courts under the Constitution and laws of the State of California.

(2) Of all civil proceedings or criminal prosecutions for the violation of any provision of this charter, or of any ordinance of the city.

(3) Of the examination and commitment of persons charged with the commission of any offense that may be prosecuted by indictment or information.

(4) Such other criminal jurisdiction as is, or may hereafter be, conferred by law

upon police courts, justices' courts, or justices of the peace; and in the exercise of such jurisdiction, the judge of the police court may punish persons guilty of contempt of court, and may issue warrants of arrest, subpoenas, venues, writs, executions, attachments and all other processes necessary and proper for the discharge of his duties.

(5) In all cases in which the judge of the police court is a party or in which he is interested, or related to either party by consanguinity or affinity within the third degree, and in case of sickness, absence, or inability to act, any justice of the peace of the county of Sacramento may, at the request of the president of the city commission, act in the place and stead of said judge of the police court.

(6) Said police court shall have a clerk, to be designated the clerk of the police court. The clerk shall keep a record of the proceedings and issue all processes ordered by the police court, and receive and daily pay into the city treasury all fines imposed by said court. He shall, each month, render to the auditor an exact and detailed account, in writing, upon oath, of all fines imposed and collected, and of all fines imposed and uncollected, and all other moneys collected on behalf of the city since his last preceding report, which shall be certified to by the judge of the police court. He shall prepare bonds and justify bail when the amount has been fixed by the judge, in cases where the bail does not exceed two hundred dollars (\$200), and he may administer oaths. The clerk shall remain at the court room of said court during business hours, and during such reasonable time thereafter as may be necessary for discharging his duties.

(7) The city shall furnish a suitable court room for said judge of the police court, at which he shall remain from nine A. M. to twelve M., and from one P. M. to five P. M.; and the city shall also furnish the necessary dockets and blanks for the use of said court. Said court shall be always open, except upon holidays and non-judicial days, and also on such days for such purposes as are by law required of other courts of the state on said days.

(8) Said court shall be considered a court of record, and shall have a seal, to be furnished by the city. Certified transcripts of the dockets, files or records, or of any papers, processes, or proceedings of said court, made by the clerk thereof, under seal of said court, shall be received in evidence in any court, and all warrants and processes of said court, and all processes issued, or acts done by said court and certified under its seal, shall have the same force and validity as though issued or done by any other court of record in the State.

(9) The police court shall be governed in its proceedings by the provisions of law regulating proceedings before justices' courts, justices of the peace, and police courts, except so far as the same are added to or modified by this charter; and such police court may be treated and considered as a justice's court whenever necessary to sustain and uphold the jurisdiction thereof, or any proceedings had therein; and all provisions of law relating to justices of the peace and justices' courts are hereby made applicable to said police court, and nothing in the title of the court or of any papers or proceedings therein shall affect the question of jurisdiction; and said court and the said judge shall have all the powers and jurisdiction now or hereafter conferred by law upon justices' courts, police courts, or justices of the peace in criminal cases.

(10) All actions and proceedings pending and undetermined, in the city justice's court of the city of Sacramento, as said court existed prior to the taking effect of this charter, may be proceeded with, heard, tried, and determined in the police court herein provided for, before said police judge, the same as if such actions and proceedings had been originally commenced therein.

ARTICLE XIII.

FIRE DEPARTMENT.

Organization.

SECTION 165. The fire department shall consist of a city commissioner, a chief, and such assistants, subordinate officers, firemen, extra men, clerks, employes and other attachés as the city commission may from time to time prescribe.

Qualifications.

SEC. 166. Every appointee to the department shall not be less than twenty-one nor more than thirty-five years of age, and, before his appointment, must pass a satisfactory examination under the rules and regulations prescribed by the civil service board.

Appointments—Duties of the chief of the fire department.

SEC. 167. The chief of the fire department and all assistants, subordinate officers, firemen, extra men, clerks, employes and other attachés shall be appointed by the commissioner having charge of the department, subject to the provisions of Article XV of this charter. The chief of the fire department shall be charged with the special duty of superintending the extinguishment of fires. He shall have such powers and perform such other duties as may be provided for by this charter, or by ordinance. In the absence or disability of the chief of the fire department, an assistant chief shall perform his duties. The chief and assistant chief shall, except

as herein provided, devote their entire time to the fire department, and shall not engage in any other occupation or business requiring their personal attention; and neither shall absent himself from the city without first obtaining written permission from the commissioner in charge of the department, which must be filed with the city clerk; but in no case shall both the chief and assistant be absent at the same time; *and it is further provided*, that the engineers and drivers of fire engines, the drivers of hose carts and hook and ladder trucks and tillermen, together with such other members or employes as the chief shall designate, shall, except as herein provided, devote their entire time to the duties of the department, and shall at all times, day and night, remain at the engine houses or stations, except when granted leave of absence by the chief.

Sleeping accommodations and offices.

SEC. 168. There shall be provided suitable sleeping rooms in the several engine houses for the use of the permanent members of the department; and there shall be a general office where the chief and assistant chief shall make their headquarters daily during office hours, when not otherwise engaged in official duties.

ARTICLE XIV.

Police and fire relief and pension fund.

SECTION 169. A fund is hereby created to be known and designated as the police and fire relief and pension fund. The commissioner of education, the commissioner of finance, and the commissioner of public health and safety shall constitute a board of trustees of such fund, and the city treasurer shall be custodian thereof.

SEC. 170. The said board of trustees may retire and relieve from service any member of the police or fire department who has passed the age of fifty-five years or who has become infirm or disabled and who, upon examination by two regularly licensed and practicing physicians in the employ of the city, designated by the trustees for that purpose, may be ascertained to be by reason of such age, infirmity, or other disability, unfit for the performance of his duty. Said board of trustees shall, at the request of any member of the police or fire department who has arrived at the age of sixty years, retire and relieve such member making such application. Such retired member shall receive from the police and fire relief and pension fund a pension equal to one half of the salary attached to the rank held by him one year prior to the date of his retirement. No pension shall be paid under the provisions of this section unless the person claiming the same has been an active member of such department for twenty years in the aggregate preceding his retirement, and, except as hereinafter provided, the same shall cease at his death; *and provided, further*, that no pension shall be allowed any member of the police or fire department if such disability is the result of any unlawful or immoral act committed by such person while in such department.

SEC. 171. Any member of either department who shall become physically disabled by reason of any bodily injury received in the performance of his duty, upon filing with the board of trustees a verified petition, setting forth the facts constituting such disability, and the cause thereof, accompanied by a certificate signed by the chief of police, or the chief of the fire department, and by two regularly licensed physicians in the employ of the city, designated by the trustees for that purpose, recommending his retirement upon a pension, on account of such disability, may be retired from such department upon an annual pension, equal to one half the amount of salary attached to the rank which he held one year prior to the date of such retirement, to be paid to him during his life, and to cease at his death. In case his disability shall cease, his pension shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

SEC. 172. The board of trustees, out of the police and fire relief and pension fund, shall provide for the family of an officer, member or employe of either department who may be killed while in the performance of his duty, as follows:

(1) Should the decedent leave a widow, she shall, as long as she remains unmarried, be paid a pension equal to one half of the salary attached to the rank held by the decedent at the time of his death.

(2) Should the decedent leave no widow, but leave any child or children under the age of sixteen years, or should he leave a widow who shall die and leave his child or children under the age of sixteen years, such child or children collectively shall receive a pension equal to one half the salary attached to the position held by the father at the time of his death, until the youngest child attains the age of sixteen years; *provided*, that no child shall receive any such pension after attaining the age of sixteen years.

(3) Should the decedent leave no widow or orphan child, or children, but leave a parent or parents, dependent solely upon him for support, such parents so dependent shall, collectively, receive a pension equal to one half the salary attached to the position held by the decedent at the time of his death, during such time as the board of trustees may determine its necessity.

SEC. 173. When a member of either department shall die from causes other than those specified in Section 172 hereof, after ten years of service, and such death

shall not be the result of any unlawful or immoral act committed by such person while in such department, then his widow, and if there be no widow, then his children, and if there be no widow nor children, then his mother, if dependent upon him for support, shall be entitled to the sum of one thousand dollars (\$1,000).

SEC. 174. Any member of either department, or other beneficiary receiving a pension from the police and fire relief and pension fund, who shall be convicted of a felony, or shall become dissipated or an habitual drunkard, or shall become a non-resident of this State without permission from the board of trustees, shall forfeit all right to such pension.

SEC. 175. The board of trustees may, on notice from the chief of police, or the chief of the fire department, reward any member of such department for conduct which is heroic or meritorious. The form or amount of such reward shall be discretionary with the board of trustees, but it shall not exceed in any one instance one month's salary, and may be paid only out of the funds provided by the city commission; and the city commission may, on application of the board of trustees, provide money for such purpose.

SEC. 176. The board of trustees shall hold quarterly meetings in April, July, October and January of each year, and special meetings upon the call of its president; it shall issue warrants, signed by its president and secretary, to persons entitled thereto for the amount of money ordered paid to such persons from the police and fire relief and pension fund. Each warrant shall state for what purpose the payment is made.

SEC. 177. The board of trustees shall keep a public record of its proceedings. It shall at each quarterly meeting send to the treasurer and to the auditor a written or printed list of all persons entitled to payments from the police and fire relief and pension fund, stating the amount of such payment and for what purpose granted; such lists shall be certified and signed by the president and secretary of the board. The auditor shall thereupon enter a copy of such list upon a book to be kept for that purpose, which shall be known as the police and fire relief and pension fund book. All warrants signed by the president and secretary of the board shall be presented to the auditor and ordered paid by him out of said fund.

SEC. 178. The board of trustees shall possess the power to make rules and regulations for its guidance. No compensation shall be paid to any member of the board of trustees for any duty required or performed as a member of said board.

SEC. 179. The board of trustees shall make an annual estimate necessary to carry into effect the foregoing provisions, and transmit the same to the commissioner of finance, who shall cause it to be included in his annual estimate of the probable expenditures of the city.

SEC. 180. The treasurer shall retain from the compensation of each member of the police and fire department, two dollars (\$2) per month, which shall forthwith be paid into the police and fire relief and pension fund. No other deduction shall be made from such pay for any other fund or purpose.

SEC. 181. Upon the death of any member of either department, during retirement, under the provisions of this article, leaving a widow, provided she was the wife of such member at the time of his retirement, she shall receive from said police and fire relief and pension fund a yearly pension equal to two thirds of the pension received by such member at the time of his death; or if he leaves no widow, and leaves a child, or children, under the age of sixteen years, said amount shall be paid to such child, or children, in equal shares while under the age of sixteen years; *provided, however*, that if such widow, or child, or children shall marry, then such person so marrying shall thereafter receive no further pension from said fund; *and provided further*, that if such deceased member leaves neither widow, nor child nor children, under the age of sixteen years, but leaves a mother dependent upon him for support, such pension shall be paid to the mother.

SEC. 182. Pensions already existing in favor of the members of the police or the fire department shall be continued in force, subject to change under the provisions of this article.

ARTICLE XV.

CIVIL SERVICE BOARD.

Appointment, term, vacancies, qualifications and pay.

SECTION 183. Within sixty days after taking office, the city commissioners first elected shall appoint as members of a civil service board three persons; one to serve for two years, one to serve for four years, and one to serve for six years, from the first day of July next following the approval of this charter by the legislature. In June of each alternate year thereafter, the city commission shall appoint one person as the successor of the member whose term shall next expire, to serve for a term of six years. Vacancies on the civil service board, from whatever cause, shall be filled by the city commission for the unexpired term. Each member shall be paid a salary to be fixed by the city commission and based on the actual number of meetings of the civil service board attended, with a maximum sum per month. No member shall hold any other salaried office.

Removal from office.

In cases of misconduct, disability or wilful neglect in the performance of the duties of the office by any member of the board, such member may be removed from office

by the city commission by an affirmative vote of four members, but such member of the civil service board shall be given an opportunity to be heard in defense, and shall have the right to appear by counsel and to have process issued to compel the attendance of witnesses, who shall be required to give testimony if such member of the civil service board so requests. In all cases the hearing shall be public, and a full and complete statement of the case, together with the findings of fact made by the city commission, shall be filed with the city clerk, and shall be and become a matter of public record.

Organization.

The board shall organize by electing one of its members to serve as chairman, and shall also appoint a secretary, to hold office at the pleasure of the board at a salary to be fixed by the city commission. The secretary shall be chief examiner and shall perform such additional duties as may be assigned to him by the board. The board shall keep minutes of its proceedings and records of all examinations held under its supervision. It shall be the duty of the board to make all necessary investigations concerning the enforcement and effect of the provisions of this article and the rules prescribed by the board. It shall make an annual report to the city commission, and the latter may require a special report from the board at any time. The city commission shall provide the civil service board with quarters and equipment suitable to enable it properly to perform its duties.

Classified civil service, what constitutes.

SEC. 184. The civil service board shall classify all places of employment now existing or hereafter created in or under the city government, except as otherwise provided in Section 185 of this article. The places so classified by the board shall constitute the classified civil service of the city, and shall be further divided into a competitive division and a labor division, the latter of which shall include all unskilled laborers. No appointment to any office or place of employment under the city government shall be made except in accordance with the provisions of this article, unless such office or employment has been specifically exempted therefrom: *provided*, that persons employed by the city at the time of the adoption of this charter by the people and who shall continue to be so employed when this charter takes effect, for general purposes, shall be classified by the civil service board without further examination, and shall retain their positions until discharged, reduced, promoted or transferred, as in this charter provided.

Those exempt from civil service rules.

SEC. 185. The provisions of this article shall apply to all persons in the employ of the city, except:

- (1) Appointive officers of the first and of the second class, and their chief deputies.
- (2) The members of such executive boards and commissions as may be created by the provisions of this charter or by the city commission.
- (3) Professionally educated persons and experts employed by the city in their professional capacity.
- (4) Assistant librarians.
- (5) All employes of the school department.
- (6) The personal secretaries of the city commissioners, and of such appointive officers of the first and of the second class as may be allotted secretaries by the city commission.

(7) All persons temporarily employed, in times of emergency, to prevent, or repair, damage to the city levee and drainage systems, or any property within the city, threatened, or arising, through flood, fire, or the fury of the elements.

The city commission may, however, by ordinance, create positions, other than those excepted in this section, to which, by permission of the civil service board, the civil service rules shall not apply.

Applications for positions.

SEC. 186. Applications and recommendations for all positions under the civil service rules, both in the competitive and labor divisions, shall be filed with the civil service board, and not elsewhere.

Rules.

SEC. 187. The board shall prescribe and enforce all rules necessary to carry out the purposes of this article, and shall publish the same in the Official Gazette, together with all amendments thereto or changes therein. Copies thereof shall be supplied to any candidate for examination, upon application. Such rules shall, among other things, provide for:

1. The classification of all positions in the classified civil service.
2. The subjecting of all applicants for places in the competitive division to examinations, which shall be public, competitive and free: such examinations shall be held at least twice a year, at times specified in the rules, and oftener, if necessary, and ten days' advance notice shall be given of any examination, by publication in the Official Gazette.
3. The appointment to positions, temporary or permanent, in the labor division in the order of the priority of application, after such non-competitive tests as the board may prescribe.

4. The creation of eligible lists on which the names of successful candidates in the competitive division shall be entered in the order of their standing in examination, from which vacancies shall be filled.

5. A period of probation in the police and fire departments, not to exceed six months, before employment is made permanent therein and during which the appointing power may discharge.

6. Promotion on the basis of efficiency, character and seniority, lists being made, and promotions made therefrom in the same manner as prescribed for original appointment. An advancement in rank or any increase in salary beyond the limit fixed for the grade by the city commission shall constitute promotion.

7. The rejection of candidates or eligibles for reasons specified in the rules and not inconsistent with the provisions of this charter.

8. Temporary employment without examination, with consent of the board, pending appointment from an eligible list. But no such temporary employment shall continue longer than sixty days, and successive temporary employment shall not be allowed.

9. Transfer from one position to a similar position in the same class and grade, and for reinstatement within one year of persons who, without fault or delinquency on their part, are separated from the service, or reduced.

Civil list.

SEC. 188. The board shall maintain a civil list of all persons in the city service, showing in connection with each name the position held, the date and character of each appointment, and of every subsequent change in status. Each appointing and supervising officer shall promptly transmit to the board all information required for the establishment and maintenance of the civil list, including immediate notice in writing of all appointments, permanent and temporary, made in the classified service, of all transfers, promotions, reductions, resignations, suspensions or vacancies, from any cause, in such service, and the date thereof. When any place of employment is created or abolished or the compensation thereof altered, the power making such change shall immediately report the same in writing to the board.

Civil service board, auditor and treasurer.

SEC. 189. The board shall certify to the auditor all appointments to places of employment in the classified civil service, and all vacancies and changes of status occurring therein, and all suspensions with losses of salary. The treasurer shall pay no salary or compensation for service to any person holding a position in the civil service unless the pay roll or account for such salary or compensation shall bear the certificate of the auditor that the person named therein has been appointed or employed in accordance with the provisions of this article.

Certification and appointment of eligibles.

SEC. 190. Whenever a position in the competitive division is to be filled, the board shall certify to the appointing power the names of three times the number of persons necessary to fill such position, which names shall be taken from those standing highest on the eligible list for the place to be filled. A less number may be certified when there is not the requisite number on the eligible list. In all cases of vacancy in the competitive division, the appointing power shall notify the board of each separate place to be filled and shall fill such place by the appointment of one of the persons certified therefor, the others being restored to their relative places on the eligible list. All persons who have been on the eligible list for a competitive position for one year without appointment, or who have been certified three times without appointment, shall be removed from the list. Whenever a position in the labor division is to be filled, the board shall certify to the appointing power only as many names as there are places to be filled, and the persons certified therefor shall be appointed.

No discrimination.

SEC. 191. No person in the classified service, or seeking admission thereto, shall be appointed, reduced or removed or in any way favored or discriminated against because of his religious beliefs or his political opinions or affiliations.

Prohibition of political activity.

SEC. 192. No person holding a position in the classified civil service shall take any part in political management or affairs, or in political campaigns, further than to cast his vote or to express privately his opinion relative thereto.

Penalty.

SEC. 193. Wilful violation of the provisions of this article or of the rules established thereunder shall constitute cause for dismissal from any position in the civil service of the city.

ARTICLE XVI.

BOARD OF PLAYGROUND DIRECTORS.

Appointments, term, vacancies, qualifications.

SECTION 194. There shall be a board of playground directors, consisting of the commissioner of education and four other persons, not more than two of whom shall be of the same sex, to be appointed by the city commission, as follows: The city

commission shall, so soon as may be practicable after taking office, appoint as members of the board of playground directors four persons; one to serve for the term of two years, one to serve for the term of four years, one to serve for the term of six years, and one to serve for the term of eight years, from the first of July next following the approval of this charter by the legislature. In June of each second year thereafter the city commission shall appoint one person for the term of eight years, as the successor of the member whose term shall next expire. Any vacancy in the board of playground directors shall be filled by the city commission for the unexpired term. No member of said board shall hold other office under the city government, nor shall he receive compensation, unless such member be secretary of the board.

Removal from office.

SEC. 195. In case of misconduct, disability, wilful or material neglect in the performance of the duties of the office, by any director, such director may be removed from office by the city commission by an affirmative vote of four members, but such director shall be given an opportunity to be heard in defense, and shall have the right to appear by counsel and to have process issue to compel the attendance of witnesses, who shall be required to give testimony, if such director so request. In such cases the hearing shall be public, and a full and complete statement of the case, together with the findings of fact made by the city commission, shall be filed with the city clerk, and shall be and become a matter of public record.

Organization.

SEC. 196. The board shall organize as soon as may be practicable after its appointment, by the election from among its members of a vice-president, who shall exercise the functions of the president in his absence or disability, and the election of the secretary, who may or may not be a member of the board. The board shall hold regular public meetings at least once a month at the regular place of business which shall be assigned to it by the city commission, and shall adopt rules and regulations for its government and for the performance of its duties. Three of the five directors shall constitute a quorum to transact business, but no measure shall be passed without the affirmative votes of at least three directors.

General powers.

SEC. 197. Said board shall have control and management of all children's playgrounds now owned or controlled by the city and all children's playgrounds that may hereafter be established or acquired by the city, and such control and management shall extend to and include, among other things:

(1) The power to lay out, equip and have the care, improvement and direction of such children's playgrounds and to designate them by name.

(2) The power to fix and prescribe the duties of all persons employed in any capacity whatever in the service of the board, unless such duties be prescribed by the provisions of this charter, or by law, or by ordinance.

(3) The power to establish rules and regulations for the conduct of its officers and employes, to require bonds from all or any of them, except laborers, in such sums as it may fix, such bonds to be approved by the city commission and filed with the auditor, in conformity with the provisions of Section 17 of this charter.

(4) The power to establish rules and regulations for the government of aforesaid playgrounds not inconsistent with the general laws, with the ordinances of the city or with this charter.

City commission may set aside lands.

SEC. 198. The city commission shall have the power by ordinance to set aside, either absolutely or for a definite period of time, any lands belonging to the city, for use as children's playgrounds, which shall be under the control and regulation of the board of playground directors, when, and so long as, used for such purpose.

Gifts.

SEC. 199. The board of playground directors may, for and in behalf of the city, receive donations, legacies or bequests for the improvement or maintenance of said playgrounds or for the acquisition or improvement of new playgrounds, upon the trusts and conditions prescribed by the donors thereof. All such property, together with the incomes and profits thereof, shall be under the control of the board, and all moneys derived from such legacies, donations or bequests shall, unless otherwise provided by the terms of any such legacy, donation or bequest, be deposited in the city treasury to the credit of the playground fund. If the moneys received from such donations, legacies or bequests shall at any time exceed the amount necessary for immediate expenditure for the purpose of such donation, legacy or bequest, the city commission may, at the recommendation of the board, invest all or part of the same in interest-bearing bonds in which the funds of the State of California may now or hereafter be lawfully invested.

SEC. 200. In order to maintain the public playgrounds and provide for the purchase, development and equipment of playgrounds and for other expenses authorized by this article, the city commission shall set aside and create a fund to be known

as the playground fund, and shall annually appropriate to such fund such amount as may in the judgment of the commission be deemed proper therefor.

SEC. 201. All moneys appropriated by the city commission for playground purposes or received by the board of playground directors from any other source shall be deposited in the city treasury to the credit of the playground fund, and shall be used exclusively for the purposes set forth in this article, and shall be expended upon the order of such officer or officers of the playground board as may, by resolution, be selected by it for the purpose. Copies of such resolution, duly certified, shall be filed with the commissioner of finance and the auditor.

Accounts, records and reports.

SEC. 202. The board shall keep books of account and a record of all city property in its keeping, and a record of all the proceedings of the board, in which shall be recorded the votes of all its members, with the ayes and noes. The board shall, at the end of each month and at the end of each fiscal year, furnish to the city commission a detailed report of receipts and expenditures and a statement of all other business transacted, which shall be published in the Official Gazette. The board shall make to the city commission annually a report with recommendations, and may at other times make special reports and recommendations, and the city commission may at any time require from it special reports and recommendations.

ARTICLE XVII.

BOARD OF PARK DIRECTORS.

Appointment, vacancies, term, qualifications.

SECTION 203. There shall be a board of park directors, consisting of the commissioner of education and four other persons to be appointed by the city commission as follows: The city commission shall, so soon as may be practicable after taking office, appoint as members of the board of park directors four persons; one to serve for the term of two years, one to serve for the term of four years, one to serve for the term of six years, and one to serve for the term of eight years, from the first day of July next following the approval of this charter by the legislature. In June of each second year thereafter, the city commission shall appoint one person as the successor of the member whose term shall next expire, for the term of eight years. Any vacancy in the office of a member of the board of park directors shall be filled by the city commission for the unexpired term. No member of said board shall hold other office under the city government, nor shall he receive compensation, unless such member be secretary of the board.

Removal from office.

SEC. 204. In case of misconduct, disability or wilful and material neglect in the performance of the duties of the office by any member of the board, such member may be removed from office by the city commission by an affirmative vote of four members, but such member of the board of park directors shall be given an opportunity to be heard in defense, and shall have the right to appear by counsel and to have process issued to compel the attendance of witnesses, who shall be required to give testimony if such member of the board of park directors so requests. In such cases the hearing shall be public, and a full and complete statement of the case, together with the findings of fact made by the city commission, shall be filed with the city clerk, and shall be and become a matter of public record. The city commission shall provide suitable accommodations and equipment to enable the board properly to attend to its business.

Organization.

SEC. 205. The board shall organize, so soon as may be practicable after appointment, by the election from among its members of a vice-president, who shall perform the duties of the president during his absence or disability, and the election of a secretary, who may or may not be a member of the board. The salary of the secretary shall be fixed by the city commission. The board shall hold regular public meetings at least once a month at the regular place of business which shall be assigned to it by the city commission, and shall adopt rules and regulations for its government, and for the performance of its duties. Three of the five directors shall constitute a quorum to transact business, but no measure shall be passed without the affirmative votes of at least three directors.

General powers.

SEC. 206. Said board shall have control and management of all land and water parks, parkways, squares and public pleasure grounds, and of the landscape of all cemeteries, now owned or controlled by the city of Sacramento, or that may be hereafter established or acquired by said city, excepting properties now or hereafter acquired or set apart for children's playground purposes, and all grounds surrounding public buildings of said city, except school buildings, unless otherwise provided in this charter, and such control and management shall extend to and include among other things:

(1) The power to plan, lay out, regulate traffic in, and have the care and improvement (except as to paving and maintenance of the driveways) of all parks and public pleasure grounds, all boulevards which connect parks (when set aside as such by the city commission), all parkways now, or hereafter, owned or controlled by the city, whether within or without the limits, and to designate them by name; and to employ landscape architects and experts.

(2) The power to fix and prescribe the duties of all persons employed in any capacity whatever in the service of the board, unless such duties be prescribed by the provisions of this charter, or by law, or by ordinance.

(3) To plant and exercise supervision over all shade trees, shrubs and plants of all kinds on or in the streets and public grounds of the city and about the public buildings of the city.

(4) To make and provide for the enforcement of rules and regulations for the use of parks and public pleasure grounds and the highways thereof.

(5) To improve and adorn parks and other public grounds, and do all things necessary or proper to render the parks and public grounds of value to the public.

(6) To lease any property under its control, not needed for immediate improvement or public use, for a term not exceeding three years, and to receive the rent, and place the same in the park fund, to be used for park purposes.

(7) To make rules and regulations for the conduct of its officers and employees and to require bonds from all or any of them, except laborers, which bonds shall be approved by the city commission, and filed with the auditor, in conformity with the provisions of Section 17 of this charter.

(8) To prepare plans and specifications for the erection of all buildings and structures pertaining to park purposes which may be erected on parks or public grounds; *provided*, that the city commission may erect or cause to be erected any municipal building or buildings thereon when not inconsistent with the tenure by which the city holds such grounds.

Leases and restrictions.

SEC. 207. Except as provided in this and the preceding section, nothing in this article shall be construed to authorize the board to lease any part of said parks, squares or public grounds to any person, firm or corporation, or to permit any person, firm or corporation to build or maintain any structure on any part of any park, square or ground, except as follows:

First—The board may lease for the use of the public, for a period not greater than one year, such buildings as may be constructed or acquired for park purposes, to such person, firm or corporation as shall undertake to serve such use.

Second—The board, with the consent of the city commission, given by ordinance, may lease lands under its jurisdiction for the purposes of having the lessee erect buildings and appurtenant structures and conduct the same for the use of the public. Every lease of the character last named shall be made at public auction to the highest responsible bidder, after publication of notice thereof for five days, stating explicitly the term and conditions of the proposed lease; *provided*, that no such lease shall be for a period of more than five years, and provided that the board may, in its discretion, reject any and all bids. And in every lease the board shall reserve the right to enter at all times upon the premises so leased, and shall make the condition that the building so leased shall be used for public park purposes only. No building shall be constructed by any lessee except it be within the object and purposes for which said parks, squares and grounds were dedicated to or are held by the public.

Purchase or condemnation for park purposes.

SEC. 208. The city commission may acquire lands or other property for park purposes by purchase or condemnation, but such purchase or condemnation shall not be at the expense of the park fund unless the board of park directors shall have requested the city commission, in writing, so to purchase or condemn; *provided*, that any property desired for park purposes in which any member of the park board or of the city commission may be interested shall be acquired by condemnation proceedings only, and the petition for condemnation shall set forth the interest of such member.

Gifts.

SEC. 209. The board of park directors may for and on behalf of the city receive donations, legacies and bequests of real or personal property for the improvement or maintenance of existing parks and public pleasure grounds, or for the acquirement of new parks and public pleasure grounds, or for the establishment or maintenance therein of museums, zoological or other gardens, aquariums, observatories, buildings, monuments, statues and other works of art, and of other special features appropriate for parks designed for the pleasure or instruction of the public, upon the trusts and conditions prescribed by the donors thereof. All such property, together with the income and profits thereof, shall be under the control of the board, and all moneys that may be derived from such legacies, donations or bequests shall, unless otherwise provided by the terms of such legacy, donation or bequest, be deposited in the city treasury to the credit of the park fund. If the moneys derived from any

such donation, legacy or bequest shall, at any time, exceed the amount necessary for immediate expenditure for the purposes of such donation, legacy or bequest, the city commission may, at the recommendation of the board, invest all or part of the same in interest-bearing bonds in which the funds of the State of California may now or hereafter be lawfully invested. No outdoor work of art shall become the property of the city unless such work of art shall be approved by the board, nor shall any work of art until so approved be erected or placed in or upon or allowed to extend over any park, square or grounds belonging to the city of Sacramento. The term "work of art" as used herein shall apply to and include all statues, bas-reliefs or other sculptures, monuments, fountains, arches or other structures of a permanent character intended for ornament or commemoration.

Annual levy for park purposes.

SEC. 210. In order to maintain the parks and park system and provide for the purchase, development and equipment of parks and other public pleasure grounds, and for the other expenses authorized by this article, the city commission shall set aside and create a fund to be known as the park fund, and shall each year appropriate thereto and levy and cause to be collected a tax of not less than ten cents upon each one hundred dollars (\$100) of the value of all the property within the city taxable for municipal purposes.

Disbursement of park funds.

SEC. 211. All taxes levied for park purposes, as provided in this charter, all moneys realized from the sale of park bonds, all moneys appropriated by the city commission for park purposes or received by the park board from any other source, shall be deposited in the city treasury to the credit of the park fund, and shall be appropriated and used exclusively for the purposes set forth in this article. The moneys in such fund shall be expended upon the order of such officer or officers of the park board as may be selected by it for that purpose by resolution; copies of which, duly certified, shall be filed with the commissioner of finance and the auditor.

Accounts, records and reports.

SEC. 212. The board shall keep books of account and a record of all city property in its keeping, and a record of all proceedings of the board, in which shall be recorded the votes of all its members, with ayes and noes. The board shall, at the end of each month and at the end of each fiscal year, furnish to the city commission a detailed report of receipts and expenditures and a statement of all other business transacted, which shall be published in the Official Gazette. The board shall make to the city commission annually a report with recommendations, and may at other times make special reports and recommendations, and the city commission may at any time require from them special reports or recommendations.

ARTICLE XVIII.

CITY LIBRARY.

SECTION 213. The city library shall be forever free to the inhabitants of the city; and to all such others as this article provides. The city library shall be under the control and management of the commissioner of education, who shall have such powers, duties and privileges as may be conferred upon him by the provisions of this charter and by the provisions of any general laws that may be applicable thereto; and he may do and perform any and all other acts and things necessary and proper to carry out the provisions of this article; *provided*, that the city commission may at any time exercise the power conferred upon it by general law of entering into any arrangement with the county for library service. The commissioner of education shall appoint a librarian, and may remove him for cause.

Powers and duties of the librarian.

SEC. 214. The librarian shall be the administrative officer of the city library, and his conduct of the office shall be subject to the approval of the commissioner of education. He shall have the general management of the library, branches and property, and may establish additional branches. He shall make and enforce such rules and regulations as may be necessary for their administration, government and protection and shall determine what books and other library equipment shall be purchased. He shall have power to extend the use of the library and branches to persons outside of the city, under such rules and regulations as the commissioner of education may approve. He shall have power to loan, borrow from and exchange with other libraries, any books and other library equipment. He shall control and order the expenditure of all library moneys, subject to the approval of the commissioner of education. He shall authorize and approve all claims against the city library; or when incapacitated, shall designate an assistant to perform this duty. At no time shall the indebtedness incurred exceed the amount of money on hand for library purposes at the time the debt is incurred. He shall make requisition upon the purchasing agent for all supplies needed in the library and branches, except books and special library equipment. He shall recommend for appointment and removal all

employés of the library, shall have supervision and authority over them, and enforce all rules made for the proper discharge of their duties. He shall grade the employés of the library whose duties require special training, into grades to be established by the librarian, and based on the duties required. Before appointment to a position in the graded service the candidate must pass an examination appropriate to the position sought and satisfactory to the librarian, and show a satisfactory experience in library work. Work in approved library schools or libraries, or a certificate issued by the board of library examiners as provided for by law, may be accepted by the librarian in lieu of such examination. The librarian may recommend for acceptance as apprentices candidates possessing qualifications satisfactory to him, and may recommend the dismissal of the same at any time if in his judgment it is best to do so.

ARTICLE XIX.

E. B. CROCKER ART GALLERY.

SECTION 215. The art gallery presented to the city of Sacramento by Margaret E. Crocker shall always be known as the E. B. Crocker Art Gallery, and shall be held, maintained and conducted by the city of Sacramento, according to the provisions of the deed presenting said art gallery to the city, executed by Margaret E. Crocker, dated May 2d, 1885, and recorded in Book 115, page 298 of Deeds, in the recorder's office of the county of Sacramento, State of California, and the president of the city commission is hereby declared to be the chief executive officer of the city in the sense and for the purpose of the trust created by the above deed; *provided*, that should the terms and conditions of such tenure ever be altered, the city commission shall provide means, financial and administrative, to conduct and maintain the same in accord with such altered tenure.

ARTICLE XX.

SUSPENSIONS AND REMOVALS.

SECTION 216. Except in the police and fire departments, the appointing power shall have authority to suspend without pay for a period not exceeding thirty (30) days, or fine in any amount not exceeding one month's pay, any employé of such department for any violation of the rules of the department or for insubordination or for wilful neglect of duty, and may discharge any such employé. The chief of the fire department and the chief of police may respectively suspend for a like period, or fine in a like amount, and for similar cause, any member or employé of his department; *provided*, that such suspension or fine must be reported in writing to the commissioner in charge of the department within twenty-four hours thereafter, together with a statement of the reasons therefor. In the event that any member or employé of the police or fire department be charged with any offense which, under the rules of the department, or in the judgment of the commissioner in charge of the department, justifies the expulsion of such member from the service of the city, the commissioner shall prepare, or cause to be prepared, written charges against the accused, which shall be filed with the trial board herein created. Copies of all such charges shall be furnished to the accused, who shall have not less than ten (10) days after such service within which to prepare his defense thereto. The accused may, at the hearing of such charges, be represented by counsel and shall have the right to compel the attendance of such witnesses as he may desire to testify in his behalf.

Trial board.

SEC. 217. There is hereby created, for the purpose of hearing and determining charges made against any member or employé of the police or fire department, except those members of either department who are exempt from the civil service provisions of this charter, a board to be known and designated as the trial board, which shall be composed of the members of the city commission, other than the commissioner preferring the charge, and the president of the civil service board. The president of the civil service board shall serve as president of the trial board, and, in the event of a tie, shall have the deciding vote. The verdict and judgment of the trial board shall be final. If the accused be found guilty, the trial board may dismiss him from the service of the city or inflict such other punishment upon him as in the judgment of the board shall be adequate; *provided, however*, that in the event any employé or member of either the police or the fire department be found guilty of the charge of drunkenness on duty, the trial board must dismiss him from the service of the city; *and provided, further*, that if any member or employé of either of said departments shall be found guilty and shall have been three (3) times previously suspended or fined, the punishment shall be dismissal from the service of the city.

Summary dismissal.

SEC. 218. Any officer, member or employé of either the police or fire department may be summarily dismissed by the unanimous vote of the city commission, for the good of the service.

The superior court to have concurrent jurisdiction.

SEC. 219. Nothing in this article contained shall be construed to limit the jurisdiction of the superior court to hear and to determine any accusation brought against

any elected or appointed officer of the city or any member of the police or the fire department under and pursuant to the provisions of sections seven hundred and fifty-eight (758) to seven hundred and seventy-two (772), both inclusive, of the Penal Code of the State of California.

ARTICLE XXI.

VACATIONS AND LEAVE OF ABSENCE.

SECTION 220. All officers and regular employes of the city, after serving at least one year, shall be entitled to two weeks' vacation annually, and shall not be required to work more than six days per week, except in times of emergency. Such vacations shall be had at such times as the executive head of the department in which such officer or employe may be serving shall direct, and shall be without loss of pay. Any member of the police department or of the fire department who becomes incapacitated by reason of injuries received in the performance of his duties shall be entitled to thirty days' sick leave without loss of pay. If such incapacity continues, he shall be entitled to half pay for an additional period of thirty days, and if such incapacity shall further continue, he shall receive such pay, if any, as the city commission shall direct. A member of either department claiming incapacity by reason of such injuries shall present a certificate signed by the health officer, certifying to the fact of such incapacity.

ARTICLE XXII.

BOARD OF EDUCATION.

SECTION 221. The commissioners of the city of Sacramento shall be, *ex officio*, members of and shall constitute the board of education, and shall hold office for a term of five years from and after the first day of July next succeeding their election; subject, however, to recall and removal from office, as specified herein and by general laws; *provided, further*, that their tenure of office as members of the board of education shall be concurrent with their respective terms as commissioners of said city. The board of education shall have full charge and control of all matters pertaining to the conduct of all public schools within said city, and shall exercise such powers, and perform such duties, with respect thereto as may be conferred or imposed upon them by law or by ordinance of the city. The board shall organize on the first Monday of July after this charter takes effect. It shall elect, from among its members, a president and a vice-president, and during the absence or disability of the president the vice-president shall perform his duties and exercise his functions, except as otherwise in this charter expressly provided. The president shall preside over all meetings thereof and exercise such other powers, and perform such other duties, with respect to the business of the school department of the city as are conferred or imposed upon the president of the board of education by law or by any ordinance of the city. The board shall make, establish and enforce all necessary and proper rules and regulations for the government and progress of the public schools of the city, for the investigation of charges against any person in the employ of the department, and for carrying into effect all laws and ordinances pertaining to the public schools; and shall adopt and enforce an efficiency system and shall make all rules and regulations necessary to carry the same into effect.

The board shall hold regular meetings at least once in each month and at such times as shall be determined by its rules. Special meetings may be called at any time by the president or by any three members of the board; *provided, however*, that notice of such special meetings shall be personally served upon each member of the board, unless he be absent from the city, not less than twelve hours prior to such meetings. Three members of the board shall constitute a quorum for the transaction of business, but the affirmative vote of three members shall be necessary to pass or adopt any measure or to transact any other business affecting the public schools of the city. The board shall determine the rules of its proceedings; *provided, however*, that the yeas and nays shall be taken on all questions and entered on the records of the board. All meetings of the board shall be open to the public and its records shall be open to public inspection.

SEC. 222. Any member or officer of the board of education, who shall, while in office, unlawfully or corruptly accept any donation or gratuity in money or of any valuable thing, either directly or indirectly, from or in behalf of any teacher or candidate, or applicant for a position as teacher, upon any pretense whatever, shall be guilty of malfeasance. Any member of the board of education, officer, or other person connected with the school department, or drawing a salary from the board of education, who shall unlawfully or corruptly gain any advantage or benefit from any contract, payments under which are to be made, in whole or in part, from the public school fund, or from moneys raised by taxation or otherwise for the support of the public schools, shall be guilty of malfeasance.

SEC. 223. In case of disaster from fire, flood, wind, riot, earthquake, or public enemy, the board of education may incur extraordinary expenditures in excess of the annual limit provided by law and in this charter for the repair, construction, and furnishing of schoolhouses; and the city commission may, by ordinance, cause to be transferred to the school fund, from any moneys in any other fund not otherwise appropriated, sufficient moneys to liquidate such extraordinary expenditure.

SEC. 224. As soon as may be practicable after organization, the board of education shall elect a superintendent of schools and such other assistants, clerks and employes as may be necessary, prescribe their duties and fix and order paid their compensation.

Term of employment for teachers.

SEC. 225. For the first two years of their service in the school department of the city, teachers shall be subject to annual election. After two years' service, they may be elected for a term of three years. In the event that the board of education shall determine not to reelect any teacher employed in the public schools of this city, the board must, not later than two months prior to the expiration of the term for which such teacher was employed, serve, or cause to be served, upon such teacher, personally, a notice in writing directed to such teacher and informing such teacher of the intent to dispense with the services of such teacher at the expiration of said term of employment. A record of such service shall be kept in the office of the board of education, showing the date when, the place where, and the person by whom such notice was served. In the event that the board of education shall fail or neglect to serve such notice as hereinabove provided within the time herein limited, such teacher shall be deemed elected for, and shall serve another year in the same position in the school department of the city.

ARTICLE XXIII.

FRANCHISES.

Property rights of the city inalienable.

SECTION 226. The title and rights of the city in and to its water front, wharf property, lands under water, public lands, wharves, docks, streets, highways, levees, drainage system, parks and all other public places and property, except as otherwise provided in this charter, are hereby declared inalienable.

No use of streets without a franchise.

SEC. 227. No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this article, except as, and in so far as, he or it may be entitled to do so by direct authority of the Constitution of California or of the Constitution or laws of the United States, in, upon, under or along any street, highway, or other public place in the city, unless under the authority of a grant obtained in accordance with the provisions of this article.

Franchise to use streets.

SEC. 228. Every franchise, permit or privilege to construct, maintain or operate street, suburban, interurban or steam railroads under, upon, over, across or along any street, highway or other public place, or to lay pipes or conduits, or to erect poles or wires or other structures in, upon, over, across or under any street, highway or other public place in the city, for the transmission of gas, electricity, steam, oil, air or other substance, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

Applications for franchise.

SEC. 229. (1) An applicant for a franchise, permit, or privilege to construct, maintain or operate any street or suburban railroad within the city or any part thereof, shall file with the city commission an application therefor, and thereupon the city commission shall, if it proposes to grant the same, advertise the fact of said application, together with a statement that it is proposed to grant the same, in the official newspaper of the city. The publication of such advertisement must run for ten successive days, Sundays and legal holidays excepted, and must be completed not less than fifteen and not more than thirty days before any further action can be taken on such application.

Conditions of grant.

(2) The advertisement must state the character of the franchise, permit or privilege it is proposed to grant; the route to be traversed; that sealed bids therefor will be opened at a stated time and place; and that the franchise, permit or privilege will be awarded to the bidder offering to pay to the city during the life of the franchise, permit or privilege, the highest percentage of the gross receipts to be derived from the use, operation or possession of such franchise, permit or privilege, as hereinafter provided. Such advertisement shall require all bidders for such franchise to offer and agree to pay to the city a stipulated percentage, which shall be stated in the bid, of the gross annual receipts arising from all business to be transacted by such road during the term of such franchise; *provided*, that the minimum percentage to be offered by any bidder shall not be less than two per cent of said gross annual receipts during the first five years, not less than four per cent during the next ten years, and not less than five per cent during the remainder of the term; *and further provided*, that if such franchise, permit or privilege be a renewal of a right already in existence, the payment of the highest percentage of the gross receipts shall begin immediately upon the taking effect of the new franchise; *and, provided further*, that if such franchise be for the extension of an existing road, the payment

of the current percentage of the gross receipts shall begin immediately upon the taking effect of the new franchise. The city commission must, in and by such advertisement, reserve the right to reject any and all bids.

Bidding for the franchise.

(3) At the time of opening the sealed bids, any responsible person may bid for such franchise, permit or privilege, not less than one quarter of one per cent of the gross annual receipts for the entire term of the franchise above the highest sealed bid therefor, and such bid so made may be raised not less than one tenth of one per cent of the gross annual receipts for such entire term by any other responsible bidder. Such bidding may continue until finally such franchise shall be struck off, sold and awarded by the city commission to the person, firm or corporation offering to pay the highest percentage of the gross annual receipts arising from the use, operation or possession of the street or suburban railway authorized by the provisions of such franchise; *provided*, that if, in the judgment of the city commission, no adequate or responsible bid has been made, the city commission may withdraw such franchise from sale or advertise for new bids.

Deposit as guaranty of good faith.

(4) Every application for any such franchise, permit or privilege, and every bid therefor, except that of the applicant, shall be accompanied by a cash deposit of two thousand dollars (\$2,000), or a certified check for said amount, payable to the city clerk, as a guaranty of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the advertising and granting of such franchise, permit or privilege. Upon the franchise, permit or privilege being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the approval and filing of the bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, permit or privilege, shall be returned.

Free competition in bidding.

(5) No clause or condition of any kind shall be inserted in any advertisement of any franchise or grant offered or sold under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale which shall in anywise favor one person, firm or corporation as against another in bidding for the purchase thereof.

Bond.

(6) The successful bidder for any franchise, permit or privilege awarded under this article shall file a bond running to the city, to be approved by the city commission, in the penal sum to be prescribed by the city commission and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise, permit or privilege, and that in case of any breach of the conditions of such bond, the whole amount of the penal sum therein named shall be forfeited to the city. Such bond shall be filed with the city commission within five days after such franchise, permit or privilege is awarded, and within thirty days after the filing and approval of such bond the city commission shall grant such franchise, permit or privilege by ordinance, subject to the referendum provisions of this charter, to the person, firm or corporation to whom it shall have been struck off, sold or awarded. But in case such bond shall not be so filed, the award of such franchise, permit or privilege shall be set aside, and any money deposited in connection with the awarding of the franchise, permit or privilege shall be forfeited, and the franchise, permit or privilege shall, in the discretion of the city commission, be readvertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

Life of franchise.

SEC. 230. The maximum length of time for which a franchise, permit or privilege for any purpose, other than the maintenance and operation of a steam or interurban railroad, may be granted, shall be twenty-five years; *provided, however*, that no exclusive franchise, permit or privilege, shall ever be granted; *and, provided further*, that no such franchise shall ever be granted for a term extending beyond the period fixed by law for the termination of the corporate existence of the grantee, if a corporation; nor shall any such franchise ever be granted which shall have the effect of extending or prolonging any existing franchise beyond the term originally fixed for the expiration thereof in the ordinance granting the same, unless such subsequent franchise be granted in conformity with the provisions of Section 246 hereof. Franchises for steam and interurban railroads may be granted for a term not exceeding thirty-five years.

Franchises for other purposes.

SEC. 231. It shall be the duty of the city commission, within six months from the date of its organization, to proceed to ascertain, determine and fix the amount of cash rental to be exacted from every person, firm or corporation to whom may be

granted any franchise, permit or privilege to lay pipes or conduits, or to dig tunnels, or to erect poles or towers or other structures in, upon, over, across, along or under any street, highway, alley or other public place within the city, to be used for the transportation of any commodity to be supplied to the city or its inhabitants, or for the transmission of electricity, for light, heat, power or other uses, or for the transaction of a telegraph or telephone business, either public or private, or for any other purpose not specifically mentioned in the provisions of this article. Such rentals shall be segregated so as to provide a specific charge for:

1. Each mile or fraction thereof of pipes, conduits or tunnels.
 2. Each pole, tower or other structure used for the purpose of carrying or sustaining wires.
 3. Each mile or fraction thereof of wire maintained by any such grantee within the city. The rentals so ascertained and fixed may be subsequently increased by the city commission at intervals or periods of five (5) years each, in such amounts as the commission may deem necessary and proper at the time of making any such increase.
- It shall also be the duty of the city commission, within the same period following its organization, to proceed to ascertain, determine and fix a reasonable and proper rental to be exacted from all steam or interurban railroads to which may be granted any franchise, permit or privilege, authorizing such grantee to lay down, maintain or operate any track or tracks upon, over, along, across or under any street, alley, highway or other public place within the city and used for the transportation of freight or passengers. Such rental shall be ascertained, determined and fixed upon a basis of a charge to be made for each ton of freight transported over each mile or fraction thereof of any track or tracks constructed, maintained, used or operated within the city limits by the grantee of any such franchise, and in ascertaining the aggregate of such tonnage, the weights of locomotives, cars and other rolling stock shall be included.

Application.

Sec. 232. Applicants for franchises which involve the use by the grantee of any portion of any street, highway, alley, or other public place within the city, whether on, above or below the surface thereof, for any purpose other than the construction, maintenance and operation of street and suburban railways, shall not be required to comply with the provisions of Section 229 of this article, but, in lieu thereof, shall proceed as follows:

An application shall be filed with the city commission, wherein there shall be clearly and distinctly stated:

1. The name of the applicant.
2. The purpose for which such franchise is desired and, if for a steam or interurban railroad, the kind of road which it is proposed to construct and the motive power to be used.
3. The precise route to be followed, stating the points between which or at which all streets, highways, alleys or public places (naming them) are to be traversed, intersected or crossed.
4. The location and position of all structures which are to be maintained under such franchise, if granted.
5. The term for which such franchise is desired.
6. The estimated cost of construction of the works authorized by such franchise.
7. Such additional information or data as the city commission may prescribe.

Notice of hearing.

Sec. 233. Upon receipt of such application, the city commission shall appoint a time, not less than thirty days from the date of the order fixing the same, for hearing and considering the application, and shall cause notice thereof to be published in ten consecutive issues of the official newspaper of the city immediately preceding the date of the hearing. Such notice shall set forth the data mentioned in the preceding section and such additional data or information as the city commission may see fit to include therein. The city commission shall also require the superintendent of streets to cause to be conspicuously posted, along the route described in such application, not less than ten days prior to such hearing, copies of such notice, printed and posted in the same manner that notices of street work are required to be printed and posted. Affidavits in proper form showing the facts of such publication and of such posting must be filed with the city clerk prior to the date set for such hearing.

Hearing.

Sec. 234. At the appointed time and place the city commission shall proceed to hear and consider such application and all remonstrances and protests, if any, against the granting of such franchise. If, in the judgment of the city commission, no sufficient reason is shown why such application should not be granted, it may proceed to grant to the applicant a franchise in conformity with the terms of the application, or such modifications thereof as the city commission shall deem to be for the public interest, and upon the terms and conditions of this article applicable thereto. Such grants shall, in every case, be made by ordinance, subject to the referendum provisions of this charter. The provisions of Sections 226, 227, and Subdivisions 4 and 6 of Section 229 shall apply to all such franchises.

Rental.

SEC. 235. Before any such franchise can be granted, the applicant therefor must, in a written instrument signed and acknowledged by some officer, agent or other person authorized in law to bind the applicant, offer and agree to pay to the city, as a consideration for the granting of such franchise, and as rent for the use of the streets, highways, alleys and other public places mentioned therein, during the entire period for which such franchise may be granted, the rental fixed and determined by the city commission under the provisions of Section 231 of this article. The stipulated amount of such rental shall be inserted in the ordinance granting such franchise as a condition thereof, and the ordinance shall expressly provide that any failure to pay such rental at the stipulated times, or any concealment or false statement of the amount due shall work a forfeiture of the franchise and of all rights granted thereunder. All payments provided to be made hereunder shall be made quarterly, or oftener if the city commission and the grantee of such franchise so agree.

Reports and payments.

SEC. 236. Every person, firm or corporation operating any business under a franchise, permit or privilege granted under this article, by the terms of which such grantee is required to pay to the city a percentage of the gross receipts arising from such business, shall file annually with the city auditor on such date as shall be fixed by the city commission a report for the preceding year. Such report shall be in writing, verified by the affidavit of some officer, agent or other person authorized in law to bind the grantee, and shall contain a statement, in such form and detail as may be prescribed by the city commission, of all gross receipts arising from all the business done by said person, firm or corporation, under said franchise, permit or privilege during the year immediately preceding such report. Such report shall contain such further statements as may be required by the city commission concerning the character and amount of business done under such franchise, permit or privilege, and the amount of receipts and expenses connected therewith, and also an itemized account of the money expended under said franchise, permit or privilege, for new construction, and for repairs and betterments during the year. The stipulated percentage of the gross receipts shall be paid annually at the time of filing the annual statement. A failure to pay such percentage, or the filing of a false statement, or the concealment of any revenues arising from the business conducted by the grantee of any franchise, permit or privilege requiring such grantee to pay such percentage, shall work a forfeiture of the franchise, permit or privilege under which such grantee is operating. The grantee of every franchise authorizing the construction, maintenance or operation of any steam or interurban railroad within the city, shall, quarterly, or oftener if the city commission and the grantee of such franchise shall so agree, furnish to the city auditor a statement showing the aggregate tonnage transported over each mile, or fraction thereof, upon any track or tracks of such grantee constructed in, on, under or over any street, highway, alley or other public place within the city, during the preceding quarter or other interval, and shall at the same time with the rendition of such report pay to the city treasurer the amount shown to be due thereunder. All books, records, tonnage sheets, wheel reports, way bills and other data from which records are compiled shall be subject to inspection by such city officer or certified public accountant as may be designated or employed by the city commission for the purpose of verifying such reports and statements.

Examination of books and records.

SEC. 237. The city of Sacramento, by and through such officer of the city as the city commission may designate, or such certified public accountant as the city commission may employ for that purpose, shall have the right at all reasonable times to examine all books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise, permit or privilege granted by the city, for the purpose of verifying any of the statements or reports required by this article, and for any other purpose whatsoever connected with the duties or privileges of the city or of the person, firm or corporation, arising from this charter or from the ordinance granting the franchise, permit or privilege, and may audit the same at such times as the city commission shall determine.

Beginning and completion of work.

SEC. 238. The plans and specifications of all work to be done in, upon, over, across, along or under any street, highway, alley or other public place within the city under the provisions of such franchise, permit or privilege, shall be filed with and approved by the city engineer before any such construction work is commenced; and the grantee of every such franchise, permit or privilege shall prepare and file with the city engineer suitable maps showing the precise location in, upon, over, across, along or under any street, highway, alley or other public place within the city, of all tracks, conduits, tunnels, pipes, poles, towers or other structures, and of all wires attached thereto, which such grantee proposes to lay down, erect, construct, maintain, equip and operate under the provisions of such franchise, permit or privilege. Such maps must be filed before any work of construction shall be commenced, and when filed, shall, together with the plans and specifications, be retained in the office

of the city engineer as public records thereof, and shall be open to the inspection of the public at all times during office hours.

SEC. 239. Every ordinance granting any such franchise, permit or privilege shall specify the location and position of all work to be done thereunder; the kind of rails to be used, and the manner of laying the same; the precise location and dimensions of all tunnels, conduits and pipe lines and the materials of which they are to be constructed; the precise location, dimensions and materials of all poles, towers or other structures to be used for the purpose of sustaining wires, and the method, if any, to be employed for bracing the same; and every such ordinance shall reserve to the city commission the power to require changes of material or location whenever in its judgment such changes are necessary for the public safety or convenience. The city engineer shall not approve any plans or specifications submitted by the grantee of any such franchise, permit or privilege unless the same are found to be in conformity with the provisions of the ordinance making such grant.

SEC. 240. Construction work under any franchise, permit or privilege granted in accordance with the terms of this article shall be commenced in good faith within four months from the date of the taking effect of the ordinance granting such franchise, permit or privilege, and if not so commenced within said time, said franchise, permit or privilege shall be forfeited. Work under any franchise, permit or privilege so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, permit or privilege, which time shall not be more than three years from the date of the taking effect of the ordinance granting said franchise, permit or privilege, and if not so completed within said time, said franchise, permit or privilege shall be forfeited; *provided*, that for good cause shown, the city commission may, by resolution, extend the time for completion thereof not exceeding three months; *and provided, further*, that should the prosecution of such work, or any part thereof, be enjoined by any court of competent jurisdiction, the time during which such injunction remains in force shall not be included in determining the expiration of the period hereinabove limited for the completion of such work.

Reports of cost.

SEC. 241. The grantee of any franchise, permit or privilege must, during construction, file monthly with the city engineer a statement of the expenditures for new construction during the calendar month next preceding the filing thereof, which shall be verified by the oath of some officer, agent or other person authorized in law to bind the grantee. No cost of maintenance, operation, repair or replacement shall be considered to be a cost of construction or included in any such statement. Such statement may be used in determining the cost of construction, but shall not, in any event, be binding upon the city.

Service and accommodations.

SEC. 242. The grant of every franchise, permit or privilege shall be subject to the right of the city, whether or not reserved in such grant, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise, permit or privilege, and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

Rates and charges.

SEC. 243. The grant of every franchise, permit or privilege shall be subject to the right of the city, whether or not reserved in such grant, to prescribe and regulate rates, fares, the exchange of transfers, rentals or charges to be made by the grantee for the service rendered under such franchise, permit or privilege, except when such matters are regulated by State or Federal authorities. The grant of every franchise, permit or privilege for a street railroad, or a suburban railroad, shall provide that all United States mail carriers, when in uniform, and all policemen and firemen of the city, while in the actual discharge of their duties, shall be allowed to ride on all cars of such railroad within the boundaries of the city without paying fare therefor and with all the rights of other passengers.

Efficiency of service.

SEC. 244. Every ordinance granting any franchise, permit or privilege shall expressly provide for the maintenance of the plant and fixtures to be constructed thereunder at the highest practicable standard of efficiency at all times, and shall further provide that a wilful failure and neglect of the grantee to observe the standards of efficiency and service prescribed by the city commission shall be a ground for the forfeiture of such franchise and of all rights, privileges and benefits accruing to the grantee thereunder.

Right of city to assume ownership.

SEC. 245. Every ordinance granting any franchise, permit or privilege except for a steam or interurban railroad, shall provide that the city, at its election, may,

upon the payment of a fair valuation therefor, to be made in the manner and at the time provided in the ordinance making the grant, purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise, permit or privilege be considered or taken into account in fixing such valuation. And the city commission must insert in every such ordinance a reservation of the right to purchase the plant and property of the grantee at and after such time, to be specified in the ordinance, as the city commission may fix when granting such franchise. Or it may be provided in the ordinance granting any franchise, permit or privilege that the property and plant of the grantee shall, at the expiration of the period for which such franchise, permit or privilege is granted, become the property of the city without any compensation to the grantee. In either case the plant and property of the grantee shall become the property of the city upon the happening of the contingencies specified in the ordinance, or the purchase by the city, and the city shall have the right to assume the possession, control, management and operation thereof without the necessity of any instrument of conveyance whatever to transfer title to the city; *provided, however*, that nothing in this section shall ever be construed to require the city to purchase the plant and property of any such grantee, or to take over the same without purchase, should the city commission or the people, by a referendum vote, determine such purchase, or such acquisition without purchase, to be undesirable.

Renewals and extensions.

SEC. 246. Subject to the limitations prescribed in Section 230 of this article, the city commission may, in its discretion, grant renewals or extensions of franchises, permits or privileges for any of the purposes specified in Section 228, for a limited period, in no event exceeding ten years; *provided, however*, all such renewals and extensions shall be made by ordinance, subject to the referendum provisions of this charter; and *provided, further*, that the grantee of any such renewal or extension shall be required to pay to the city such percentage of its gross receipts annually, or such cash rental as may be agreed upon between the grantee and the city commission, which shall in no event be less than such grantee was required to pay during the year immediately preceding the expiration of such franchise, permit or privilege.

Lease or assignment of franchise.

SEC. 247. No franchise, permit or privilege granted by the city shall be sold, leased, assigned or otherwise alienated without the express consent of the city, given by ordinance, and no dealings on the part of the city with any purchaser, lessee or assignee, to require the performance of any act or payment of any compensation by such purchaser, lessee or assignee, shall be deemed to operate as such consent; *provided*, that nothing herein shall be construed to prevent the grantee from the city of such franchise, permit or privilege from including it in a mortgage or deed of trust, executed for the purpose of obtaining money for corporate objects.

Street sprinkling, cleaning and paving.

SEC. 248. Every grant of any franchise, permit or privilege in, over, under or along any of the streets, highways, or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall sprinkle, clean, keep in repair, pave and repave, or macadamize and remacadamize so much of said street, highway or public place as may be occupied by the track or tracks of such railroad or railway, and for a distance of two feet beyond the outer rails thereof. All such street repairs and improvements must be done with such materials, at such time, and in such manner as the city commission may prescribe, and must be done under the supervision of, and completed to the satisfaction of, the superintendent of streets.

Fire and police alarm wires.

SEC. 249. Every grant of any franchise, permit or privilege authorizing the grantee to use any street, highway, alley or other public place of the city for the purpose of constructing, erecting, laying down and maintaining any poles, towers, or other structures above the surface, or any conduits, tunnels or other structures below the surface, for the carriage of wires, shall contain the condition that the city shall have the right to use such poles, towers, conduits, tunnels or other structures, without cost, for the carriage of the police and fire alarm wires of the city, and the further right to attach its call boxes to any of such poles or towers. All poles, towers, or other structures above the surface of the ground shall be plainly numbered and marked with the name of the owner thereof, and shall be placed at such intervals and painted with such colors and at such times as the city commission may prescribe.

Levees.

SEC. 250. In any grant of any franchise authorizing any railroad track or tracks to be laid down, maintained and operated, or used for the storage of cars, upon any levee or levees built and maintained by the city of Sacramento, it must be inserted as a condition thereof that the grantee will, whenever so required by the city authorities, at its own cost and expense, raise so much of said levee or levees as may be occupied by its track or tracks and for a distance of two feet beyond the outer

rails thereof, on each side, to the height and grade prescribed by the city, and that as nearly as may be practicable, all of such work shall be done simultaneously with the work done upon the remainder of such levee or levees by the city, and with the same kind of materials.

No exclusive franchise.

SEC. 251. Every franchise hereafter granted to any applicant for a steam or interurban railway shall, in express terms, require the grantee hereof to permit any other steam or interurban railroad now doing business in the city, or that may hereafter desire to enter the city, to make joint use with the grantee of all tracks that may be laid on, in, under or above any street, highway, alley or other public place within the city, for the purpose of entering, passing through, and leaving the city, upon paying, or tendering, to the grantee a fair proportion of the cost of construction and maintenance of the track or tracks so used. Any refusal by the grantee to permit such joint use shall work a forfeiture of the franchise and of all rights and privileges acquired thereunder.

Bridges.

SEC. 252. In the event that any such franchise is granted authorizing the use of any street, highway, alley or other public place within the city for the purpose of constructing, maintaining and operating any track or tracks leading to any bridge or bridges across the Sacramento River or the American River, the grantee thereof must also agree, as a condition of such grant, to permit any and all such other roads to use such bridge or bridges for the transportation of trains, locomotives, cars and other rolling stock, upon being paid a fair proportion of the cost of construction and operation of such bridge or bridges, and of the maintenance thereof while so used by such other road or roads.

Switching.

SEC. 253. Every such franchise shall be granted upon the further condition that any steam or interurban railroad now doing business within the city, or that may hereafter enter the city, shall have the right to have its cars delivered to, and returned from any warehouse, switch, terminal, spur track, wharf, manufacturing establishment, or other place within the city used for loading and unloading cars and reached by any track or tracks of such grantee, without delay, discrimination or favoritism of any kind, upon payment of a just and reasonable charge therefor, and until, or unless, such switching charges be established and fixed by Federal or State authority, the city commission shall have the right to fix and prescribe the charges to be exacted for all such service.

Wharves.

SEC. 254. No exclusive franchise for the construction of any wharf abutting upon or adjoining any part of any street, highway, alley or public place within the city shall ever be granted under any circumstances, but all ordinances making such grants shall expressly provide that the grantee thereof must allow the use of any and all facilities for the loading and unloading of boats and vessels of all descriptions, whenever feasible, by any person or vessel desiring the same, irrespective of ownership, upon payment to the grantee of such compensation as may be fixed by the city commission for the use of any and all of such facilities. Every ordinance making such grant shall expressly reserve to the city the right to prescribe and change the rates of wharfage and transit, levy dues upon all vessels and commodities, and to provide for the collection thereof.

Limitation.

SEC. 255. No wharf franchise shall ever be granted for a period longer than ten years.

Ordinance in plain terms.

SEC. 256. No franchise, permit or privilege, or license shall be considered as granted by any ordinance except when granted in said ordinance in plain and unambiguous terms, and any and every ambiguity therein shall be construed in favor of the city and against the claimant under such ordinance.

Other conditions may be imposed by city commission.

SEC. 257. Nothing in this charter shall be construed as prohibiting the city commission from inserting in any ordinance granting any franchise, permit or privilege such other conditions or requirements, not inconsistent with the provisions of this charter, as the city commission may desire to insert therein, or the people may by the initiative indicate their desire to have so inserted.

Definitions.

SEC. 258. The term suburban railways as used in this article shall be deemed and construed to mean and include all railways operated within the city limits for the transportation of passengers from point to point within the city, and to and from points within the city and points without the city limits but within close proximity thereto. The term interurban railway shall be deemed and construed to mean

and include all railways, other than steam railways, operated between points within the city and other cities and towns, for the carriage of passengers, baggage, express matter, mails, or freight.

Forfeiture for non-compliance.

SEC. 259. Every ordinance granting any franchise, permit or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in case of such breach or failure the city commission shall have power to declare the termination and forfeiture of any such franchise, permit or privilege, the same as though in each instance such power was expressly reserved; and wherever the charter shall provide that any ordinance granting a franchise, permit or privilege shall contain any terms or conditions whatsoever, the said terms and conditions shall be considered as included in said franchise, permit or privilege, whether or not specified in the ordinance granting said franchise, permit or privilege.

Franchise record.

SEC. 260. The city commission shall require every person, firm or corporation making use of any portion of any street, highway, alley or other public place within the city for the purpose of supplying the city or its inhabitants with any public service or public utility of any kind whatever, to file in the office of the city clerk, within six months after this charter takes effect, full, true and correct copies of all laws, ordinances, resolutions or other legislative action granting unto such person, firm or corporation, or to his or their predecessors in interest, the right, privilege or permission to use such streets, highways, alleys or other public places for such purpose, showing the date of passage thereof, the identity of the legislative body making the grant, all assignments thereof, if any, and such other data as the city commission may prescribe. The city commission shall cause the complete text of all such reports, together with the complete text of all subsequent grants of any franchise, permit or privilege of any kind made under the provisions of this charter, to be copied into a book of record, which shall be kept in the office of the city clerk. All annual, or other, reports and statements of every kind required to be filed under the provisions of this article shall likewise be copied into such book of record, together with certified copies of all judgments or decrees affecting the same, and such other data as the city commission may from time to time prescribe. Such book shall be properly indexed and shall be open to the inspection of the public at all times during office hours.

ARTICLE XXIV.

ELECTIONS.

General and special municipal elections.

SECTION 261. A municipal election shall be held on the first Saturday in May next following the approval of this charter by the legislature, and on the first Saturday in May of each year thereafter, and shall be known as the general municipal election. A second election shall be held, when necessary, as provided in subdivision twenty of this section, on the second Saturday after the declaration of the official canvass of the returns of said general municipal election, and shall be known as a second general municipal election. All other municipal elections that may be held by authority of this charter, or by general law, shall be known as special municipal elections.

Nomination and election of city officers.

The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows:

CONDITION OF CANDIDACY.

(1) The candidate, not later than the first presentation to the city clerk of his petition of nomination, as in this article set forth, and not earlier than thirty (30) days before such presentation, shall file with the city clerk a declaration of his candidacy, in the following form:

STATE OF CALIFORNIA, }
COUNTY OF SACRAMENTO, } SS.
CITY OF SACRAMENTO. }

DECLARATION OF CANDIDACY.

I, _____, residing at No. _____ street, Sacramento, Cal., being duly sworn, hereby declare myself a candidate for the office of city commissioner, to be voted for at the _____ municipal election to be held in the city of Sacramento on the _____ day of _____, 19____.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19____.

(SEAL)

City Clerk (or Notary Public).

The name of a candidate shall be printed upon the ballot when a declaration of candidacy and a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions in this article set forth, such candidate not having withdrawn under the provisions of subdivision nine of this section.

Petition of nomination.

(2) The petition of nomination shall consist of not less than one hundred nor more than three hundred individual certificates, which shall read substantially as follows:

INDIVIDUAL CERTIFICATE.

STATE OF CALIFORNIA,
COUNTY OF SACRAMENTO. } SS.
CITY OF SACRAMENTO. }

I, the undersigned, do solemnly swear or affirm that I am a qualified elector of the city of Sacramento, and I hereby nominate _____, who resides at No. _____ street in the said city, as a candidate for the office of city commissioner, to be voted for at the municipal election to be held on the _____ day of _____, A. D. 19____; that I am not at this time the signer of the nomination petition of any other candidate for the same office or, in case there are two or more city commissioners to be elected at said election, that I have not signed more petitions than there are city commissioners to be elected at said election; that my residence is at No. _____ street of the said city of Sacramento; and that my occupation is _____.

(Signature) _____

Subscribed and sworn to before me this _____ day of _____, 19____.

Verification Deputy (or Notary Public).

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to _____ at No. _____ street, Sacramento, Cal.

Forms to be supplied by the city clerk.

(3) It shall be the duty of the city clerk to furnish to any candidate filing the declaration provided for in subdivision one hereof, at any time within sixty days before the general municipal election, upon application, a reasonable number of forms of individual certificates of the above character.

Requirements of certificate.

(4) Each certificate must be a separate paper. All certificates must be of uniform size, as determined by the city clerk. Each certificate must contain the name of one signer thereto, and no more. Each certificate shall contain the name of one candidate and no more. Each signer must be a qualified elector, and must not at the time of signing a certificate have signed any other certificate for any other candidate for the same office, unless his signature for such other certificate shall have been revoked, as provided in subdivision eight of this section, nor, in case there are two or more city commissioners to be elected at such election, have signed more certificates than there are city commissioners to be elected. In case an elector has signed two or more conflicting certificates, all such certificates, except the first one presented, shall be rejected. Each signer must subscribe and verify his certificate before a notary public or a verification deputy, as provided in this article. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition be found insufficient.

Verification deputies.

(5) Each candidate may designate one or more special verification deputies who shall qualify by filing with the city clerk an oath or affirmation in substance as follows:

STATE OF CALIFORNIA,
COUNTY OF SACRAMENTO. } SS.
CITY OF SACRAMENTO. }

I, _____, depose and say: That I am a qualified elector of the city of Sacramento, county of Sacramento, State of California; that I have been designated as a special verification deputy by _____, who is a candidate for the office of city commissioner of the city of Sacramento; that I can read and write the English language; and that in obtaining signatures to the nomination papers of the said candidate I will faithfully observe all provisions of the charter of the city of Sacramento and all laws of the State of California that are applicable to the preparation, signing and filing of such nomination papers; that I reside at No. _____ street, of the said city of Sacramento; and that my occupation is _____.

(Signature) _____

Subscribed and sworn to before me this _____ day of _____, 19____.

(SEAL)

City Clerk.

The city clerk shall keep a record in which he shall enter the names of all such verification deputies as designated by each candidate. No verification deputy shall be designated or appointed more than sixty days prior to such election. Every verification deputy shall, at the time of filing the petition or petitions circulated by him, make and file with the city clerk an affidavit stating the total number of individual certificates in behalf of any candidate verified before him as such verification deputy, and shall file all such certificates with the city clerk. Such verification deputies shall have power to take the oath or affirmation of the signers of such individual certificates of nomination, not exceeding in all three hundred (300) for any one candidate, but shall have no power to take oaths or affirmations for any other purpose whatsoever. Verification deputies need not use a seal.

Date of presenting petition.

(6) Such petitions of nomination shall be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election. The said clerk shall endorse upon each petition the day, hour and minute upon which it was presented to him.

Examination of petitions by city clerk.

(7) When a petition of nomination is presented to the city clerk for filing, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this article. If found to conform thereto, he shall file the same forthwith; but if found not to conform thereto, he shall then and there, in writing, endorse on said petition the defect, or omission, or reason why such petition cannot be filed, and shall return the petition to the person therein designated. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary, the city commission shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this section.

Withdrawal of signature.

(8) Any signer to a petition of nomination may withdraw his name from the same by filing with the city clerk a verified revocation of his signature, before the filing of a petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of candidate.

(9) Any person whose name has been presented under this article as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If, upon such withdrawal, the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

Filing of petitions.

(10) No original petition filed by reason of withdrawal of a candidate, nor amended petition of nomination, shall be filed within less than twenty days before the date of the election. No petition of nomination shall be withdrawn or added to, and no signature shall be revoked, after said petition is filed.

Preservation of petition.

(11) The city clerk shall preserve in his office for a period of two years all petitions of nomination, and all certificates and affidavits belonging thereto, filed under this article.

Election proclamation.

(12) The city clerk shall, not later than twenty days prior to the date of the election, certify to the city commission a list showing the names, alphabetically arranged, of all candidates nominated for a full term, and a similar list of the names of all candidates nominated for an unexpired term, if any, as required by the provisions of this charter. The city commission shall cause said list to be published in the proclamation calling the election, in at least five successive issues of the official newspaper of the city immediately preceding the date of the election. Such publication shall clearly state the names of all persons who are candidates for a full term, and shall clearly state the names of all persons who are candidates for an unexpired term, if any. No political or party designation of any kind shall be published in any such proclamation in connection with the name of any candidate.

Form of ballots.

(13) The city clerk shall cause the ballots to be printed, bound and numbered as provided for by general laws, except as otherwise required in the charter. The ballot shall contain the names of all candidates, alphabetically arranged, and shall clearly distinguish between those who are candidates for a full term and those who are candidates for an unexpired term, if any. The ballots shall be substantially in the following form:

GENERAL (OR SPECIAL) MUNICIPAL ELECTION.

CITY OF SACRAMENTO.

(Inserting date thereof.)

Instructions to voters.

(To be printed in type not less than ten point) :

To vote, stamp a cross (X) in the square at the right of the name of the candidate for whom you desire to vote; to vote for a person whose name is not printed on the ballot, write the name of such person under the title of the office in the blank space provided therefor, but do not stamp a cross (X) after the name so written. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election and obtain another.

Requirements of ballot.

(14) All ballots printed shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another, and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right-hand side for charter amendments or other questions to be voted upon at such election. Nothing shall be placed on the ballot to indicate the source of the candidacy or of the support of any candidate.

Every nominee to be on ballot.

(15) The name of a candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall not be omitted from the ballot.

Space for voting cross.

(16) A half-inch square shall be provided at the right of the name of each candidate wherein to stamp the cross.

Blank space for additional candidates.

(17) Half-inch spaces shall be left below the printed names of the candidates equal in number to the number of commissioners to be elected wherein the voter may write the name of any person or persons for whom he may wish to vote.

Sample ballots.

(18) The city clerk shall cause to be printed sample ballots identical with the ballots to be used at the election, except as to quality and color of paper, and shall mail a copy of the same to each registered voter at least five days before said election.

Votes necessary for election.

(19) In case there is but one person to be elected to an office, the candidate receiving a majority of all votes cast for all candidates for said office shall be declared elected. In case there are two or more persons to be elected to an office, then those candidates equal in number to the number to be elected, who receive successively the highest number of votes for such office shall be declared elected: *provided, however*, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one half the total number of ballots cast at such election for all candidates for said office.

Second election.

(20) If at any election held as above provided, there be any office to which the required number of persons were not elected, then, as to such office, the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to said office, or less if so there be, who successively received the highest number of votes for that office at such first election, shall be the only candidates at such second election: *provided*, that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for said office, except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive successively the highest number of votes at such second election shall be declared elected to such office.

Date of second election.

(21) The said second election, if necessary to be held, shall be held on the second Saturday after the declaration of the official canvass of the returns of said general municipal election.

Rules governing second election.

(22) All the provisions and conditions above prescribed for the conduct of a first election, so far as they may be applicable, shall govern the second election, except that notice of election need be published for two successive days only, immediately preceding said second election; and *provided, also*, that the same precincts and polling places shall, if possible, be used.

Failure of person elected to qualify.

(23) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office.

Informalities in election.

(24) No informalities in conducting a municipal election shall invalidate the same, if such election has been conducted fairly and in substantial conformity with the requirements of this charter.

General election regulations.

SEC. 262. (1) The provisions of the general election laws relating to the qualifications of electors, the manner of voting, the duties of the election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall (except as herein otherwise provided) govern all municipal elections: *provided*, that the city commission shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election.

Voting machines.

(2) In case voting machines shall be used at municipal elections, the city commission shall have power, by ordinance, to modify the provisions of Section 261, so far as may be necessary to adapt them to the use of voting machines.

Polls open and close.

(3) At all elections held under the provisions of this charter, the polls shall open at six o'clock A. M. and close at six o'clock P. M.

Precincts.

(4) It shall be the duty of the city commission to fix the boundaries of all municipal election precincts.

Election officers.

(5) The election officers in each polling precinct at all elections held under the provisions of this charter shall be appointed pursuant to the provisions of Article XV herein and shall be four in number, namely, one inspector, one judge, one ballot clerk, and one tally clerk: *provided, however*, that during the counting of the votes the ballot clerk shall also act as tally clerk.

Duties of county clerk.

SEC. 263. It shall be the duty of the board of supervisors of the county of Sacramento, when indices of the great register are being printed, to provide for the printing of a sufficient number thereof, in addition to the number otherwise required by law, for the general and special municipal elections to be held or likely to be held in the city of Sacramento; and it shall be the duty of the county clerk of said county to furnish such indices and affidavits of registration as may be required by the city commission. The county clerk, when so required, for the purposes of a general or special municipal election, shall furnish to the city commission a supplemental list of all voters who have registered since the time of printing the last index of the great register, and shall, at the time of any general or special municipal election, keep the office of the registrar of voters open during the progress of such election.

ARTICLE XXV.

THE INITIATIVE.

Direct legislation.

SECTION 264. Any proposed ordinance may be submitted to the city commission by a petition signed by the registered electors of the city equal in number to the percentage hereinafter required.

Form and verification of petition.

(1) A copy of such proposed ordinance shall be attached to the petition, and the petition shall have endorsed upon it the name and address of the person to whom the same shall be returned if found insufficient, as hereinafter provided. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature the date thereof and his place of residence, giving street and number. One of the signers of each such paper shall make an oath before an officer competent to administer oaths that the statements therein made are true; that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed; and that each of such signatures was appended to such

petition within ninety days prior to the presentation of the petition to the city clerk. Upon receipt of such petition, the clerk shall proceed to examine into the sufficiency of the same in the manner prescribed by the provisions of Article XXIV of this charter. If found insufficient, the petition shall be returned to the person whose name is thereon endorsed, for amendment or correction, as in said article provided.

Fifteen per cent petition.

(2) If the petition accompanying the proposed ordinance be signed by registered electors equal in number to at least fifteen per centum of the total number of electors registered at the time of the last preceding general municipal or second general municipal election at which a commissioner was elected, and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the city commission shall either:

(a) Pass said ordinance, without alteration, within twenty days after attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendum vote under the provisions of Article XXVI of this charter); or,

(b) Within twenty-five days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the city commission shall, except as provided in subdivision seven of this section, proceed to call a special election, to be held within forty days from date of such call, at which said ordinance, without alteration, shall be submitted to a vote of the people. No ordinance proposed under the provisions of this subdivision shall be submitted at any but a special election called in accordance with the provisions hereof.

Five per cent petition.

(3) If the petition be signed by electors equal in number to at least five per centum of the total number of electors registered at the last preceding general municipal or second general municipal election at which a commissioner was elected, and contain a request that said proposed ordinance be submitted to a vote of the people at the next general election, and said ordinance be not passed by the city commission, as provided in Subdivision 2a, then such ordinance, without alteration, shall be submitted by the city commission to a vote of the people at the next annual municipal election that shall occur at any time after twenty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance. No ordinance proposed under the provisions of this subdivision shall be submitted to a vote of the people at any but a general municipal election.

Publication of popular ordinance.

(4) Whenever any ordinance or proposition is required by the provisions of this charter to be submitted to the voters of the city at any election, the city commissioners must order one publication of the complete text thereof to be made in the official newspaper of the city, such publication to be made not less than ten days nor more than fifteen days prior to such election; or, the city commission may, in lieu of such publication, cause the ordinance or proposition to be printed, and thereupon it shall be the duty of the city clerk to enclose a printed copy thereof in an envelope, with a sample ballot, and mail the same to each voter, at least five days prior to such election. The city commission may also, in its discretion, include with such publication, or such printed copy, a statement, not exceeding five hundred words, setting forth concisely the reasons of the city commission for refusing to pass or adopt such ordinance or proposition. In the event that the city commission elects to publish such statement or to send copies thereof to the voters, as herein provided, the proponents of such ordinance or proposition shall also have the right to have included in such publication or such mailing, as the case may be, a similar statement of their reasons for urging the passage or adoption of such ordinance or proposition; *provided*, they shall first deposit with the city clerk the cost of such publication, or furnish to the city clerk, at their own expense, printed copies of such statement exceeding in number by five per centum the number of registered electors of the city at such time. The city commission shall, at least three days preceding the publication or mailing of such proposed ordinance or proposition, by a resolution spread upon its minutes, indicate its intent to include a statement with, or to omit a statement from, such mailing or such publication. The form and size of paper, and the style and size of type to be used in printing the statements herein provided for, shall be prescribed by the city commission by ordinance.

Election.

(5) The ballots used when voting upon such proposed ordinance shall set forth the title thereof in full and state its general nature, and shall contain the words "For the Ordinance" and "Against the Ordinance." If a majority of the qualified electors voting on such proposed ordinance shall vote in favor thereof, such ordinance shall take effect five days after the declaration of the official canvass of the returns of such election.

Several ordinances at one election.

(6) Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this article, subject to the limitations imposed in subdivisions two, three and seven of this section.

Limit of special elections.

(7) There shall not be held under the provisions of this article more than one special election in any period of six months. In the event that any petition or petitions calling for a special election be presented to the city commission within six months following any special election, it shall be the duty of the city commission to defer such election until the expiration of said period; the provisions of Subdivision (2b) of this section to the contrary notwithstanding.

Repeal of popular ordinance.

SEC. 265. The city commission may submit a proposition for the repeal of any popular ordinance, or for amendments thereto, to be voted upon at any succeeding regular annual municipal election, and should such proposition, so submitted, receive a majority of the votes cast thereon at any election, such ordinance shall be repealed or amended accordingly. An ordinance proposed by petition, or adopted by a vote of the people, shall not be repealed or amended except by a vote of the people, unless such ordinance shall otherwise expressly provide.

Conflicting measures.

SEC. 266. In the event that two or more ordinances or propositions adopted at the same election shall contain conflicting provisions, the ordinance or proposition receiving the highest number of votes at such election shall be paramount, and all questions of construction shall be determined accordingly.

Order upon the ballot.

SEC. 267. The city commission shall have no power to postpone or avoid the submission of any proposed ordinance to a vote of the people, except as in subdivision seven of Section 264 hereof provided. In the event that two or more such ordinances are submitted at the same special election, they shall be placed upon the ballot in the order of the priority of filing the respective petitions therefor, and shall be given precedence upon the ballot over any and all questions submitted by the city commission of its own initiative. All such proposed ordinances submitted at any general election shall likewise be placed upon the ballot in the order of priority of filing of the respective petitions therefor, and shall likewise precede upon the ballot all questions submitted by the city commission of its own initiative at such general election. The provisions of this article are mandatory and prohibitory.

Charter amendments.

SEC. 268. The provisions of this article shall apply to the proposal, submission and adoption of charter amendments, subject to the provisions of section eight of Article XI of the Constitution of this State.

Further regulations.

SEC. 269. The city commission must, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of Article XXIV thereto.

ARTICLE XXVI.**THE REFERENDUM.***Mode of protesting against ordinances.*

SECTION 270. No ordinance passed by the city commission shall go into effect before thirty days from the time of its passage except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety which contains a statement of its urgency and is passed by a four-fifths vote of the city commission; *provided*, that no grant of any franchise shall be construed to be an emergency measure, but all franchises shall be subject to the referendum vote herein provided. If during said thirty days a petition signed by registered electors of the city equal in number to ten per centum of the total number of electors registered at the time of the last preceding general municipal election, protesting against the passage of such ordinance, be presented to the city commission, the same shall thereupon be suspended from going into operation, and it shall be the duty of the city commission to reconsider such ordinance, and if the same be not entirely repealed, the city commission shall submit the ordinance, as is provided in Article XXIV of this charter, to the vote of the electors of the city, either at the next general municipal election, or at a special election, to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof.

SEC. 271. Any ordinance or measure that the city commission or the qualified electors of the city shall have authority to enact, the city commission may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as provided in this charter for ordinances or measures submitted on petition.

SEC. 272. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in

addition to the ordinances or measures herein provided for, if said other questions are such as may be legally submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

SEC. 273. The provisions of Section 261 of Article XXIV, respecting the forms and conditions of the petition and the mode of verification, certification, amendment and filing shall be substantially followed, with such modifications as the nature of the case requires. A substantial compliance with the provisions of this charter shall be sufficient for the holding of an election hereunder and for the approval or rejection of any measure submitted thereat.

SEC. 274. The city commission must, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of Section 261 of Article XXIV thereto.

ARTICLE XXVII.

RECALL OF ELECTIVE OFFICERS.

Applies to all elective officers.

SEC. 275. (1) Every incumbent of an elective office, whether elected by popular vote or appointed to fill a vacancy, shall be subject to removal from office by recall, but no affidavit of intention to circulate a petition for the recall of any incumbent, as hereinafter provided, shall be filed until such incumbent has actually held office under said election or appointment for at least six months. The procedure to effect such removal from office shall be as follows:

Petition for recall.

(2) A petition signed by qualified electors equal to ten (10) per centum of the total number of electors registered at the last municipal election at which a commissioner was elected, requesting the calling of an election to determine whether or not the said incumbent of an elective office sought to be removed from office shall be removed from office by recall, shall be addressed to the commission and presented to the city clerk. The petition may request that such election shall be held at a special municipal election or at the next general municipal election.

Form of petition.

(3) The petition for recall and removal from office shall be substantially as follows:

(Individual Certificate.)

PETITION TO THE CITY COMMISSION REQUIRING A SPECIAL MUNICIPAL ELECTION

(If such be the case.)

(The above heading must be printed in type of a 24-point
Roman face, caps and lower case.)

For the recall of (name of officer)

From the office of (name of officer)

REASONS FOR THE RE-
CALL OF (name of officer)
FROM OFFICE. (Here in-
sert such reasons.)

REASONS AGAINST THE
RECALL OF (name of officer)
FROM OFFICE. (Here in-
insert such reasons.)

STATE OF CALIFORNIA.

COUNTY OF SACRAMENTO, } ss.
CITY OF SACRAMENTO. }

I, the undersigned, certify that I hereby join in a petition to the city commission requiring that it forthwith submit, as provided in the charter of the city of Sacramento, to the vote of the electors of said city, at a special (or the next general) municipal election, the question whether (name of officer) shall be recalled from the office of (name of office).

I further certify that I have read the above reasons for and against the recall of said officer and believe that he should be recalled; that I am a qualified elector of the city of Sacramento, State of California; that I am not at this time a signer of any other like certificate; that I reside at No. ----, ----- street, in said city, and that my occupation is -----

(Signed) -----

-----, being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) -----

Subscribed and sworn to before me this ----- day of -----, 19-----.

Verification Deputy (or Notary Public).

The petition of which this certificate forms a part, shall, if found insufficient, be returned to ----- at No. ----, ----- street, Sacramento, California.

Filing and examination of petition.

(4) Each certificate must be on a separate sheet of paper and must contain the name of but one signer, who must make oath before a notary public or a verification deputy as to the truth and correctness of the statements made in such certificate. These certificates shall be fastened together, as provided herein for petitions of nominations, except that they shall be bound as near as may be in lots of two hundred and fifty (250) certificates. Immediately upon the receipt of such petition, the city clerk shall endorse thereon the time at which said petition was received by him. The city clerk shall thereupon immediately begin to examine said petition to ascertain whether or not it conforms to all the requirements of this charter. Within ten days after such presentation he must finally determine whether or not it so conforms, and shall forthwith attach to said petition his certificate showing the result of his examination, and forthwith send by registered mail a copy of said certificate to the person named as the person to whom said petition shall be returned in accordance with this section. If the petition be found not to conform to the requirements of this charter, such certificate of the city clerk shall designate as to the petition and as to each individual certificate included therein and found to be defective, the defect therein. If by said certificate of the city clerk the petition is shown to be insufficient, it may be amended by the presentation within fifteen days after the date of mailing of said certificate by the city clerk, of an additional recall petition containing additional recall certificates. The city clerk shall within seven days after the presentation of such additional recall petition make like examination and determination of the amended petition and attach to it a like certificate and mail a copy as aforesaid, and if his certificate shall show the amended petition to be insufficient, or if no additional recall petition shall have been presented, the petition shall be returned to the person named as the person to whom the petition is to be returned, and all proceedings and petitions under said affidavit of intention to circulate a petition for the recall of any incumbent, as provided in this section, shall be null and void. If the city clerk shall find the said petition or amended petition to conform to the requirements of this charter, he shall indorse his finding upon the said petition or amended petition and immediately file and present the same to the city commission.

Withdrawal of signature.

(5) Any signer of a petition for the recall may file with the city clerk a verified revocation of his signature to such petition. In case said revocation is filed with the city clerk before the said petition is filed by him, he shall cancel the said signer's signature on said petition.

Statement of intention to circulate petition.

(6) Before any petition for the recall of an officer is circulated for signatures thereto, an affidavit in triplicate by or on behalf of the person or persons proposing such recall shall be filed with the city clerk, who shall at once deliver one of the said affidavits to the office of said officer sought to be recalled, and send one by registered mail to the residence of such officer. Said affidavit shall contain: a statement of the intention to circulate a petition for the recall of said officer; a statement in not more than two hundred (200) words giving the grounds for such recall; and the address of the party making the affidavit. Said officer sought to be recalled shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address of the party making such affidavit a statement in not more than two hundred (200) words justifying said officer's course in office. These reasons for and against the recall of said officer shall be printed as a part of each individual certificate forming a part of the petition. No original petition for the recall of any officer upon the grounds set forth in such affidavit shall be presented to the city clerk later than forty (40) days after the filing of such affidavit.

Election under recall petition.

(7) If the officer sought to be removed by recall shall not resign from office within five days after the petition is filed by the city clerk, and if the petition requests a special election, the city commission shall after due notice cause a special election to be held within not less than fifty (50) nor more than sixty (60) days after the filing of said petition, to determine whether the electors will recall said officer, or, if a general or special municipal election is to occur within sixty (60) days after the filing of said petition, the city commission may in its discretion postpone the holding of such election to such general municipal election.

Penalty for non-performance—Life of petition.

(8) If the city clerk or any member of the city commission shall wilfully fail or neglect to do or perform any act or duty, in this article prescribed or directed to be by him or any of them done or performed, then and in that event the said city clerk or such member of the city commission shall not draw or receive any salary during his further continuance in office and the auditor shall not audit or allow any claim therefor. If any question of recall, for which a petition has been filed, in accordance with the provisions of this charter, be not submitted to the voters at or within the time elsewhere specified in this charter, such petition shall remain in force until such question has been submitted to the voters.

Grounds of recall—Officer's justification.

(9) Upon both the sample and official ballots there shall be printed in not more than two hundred (200) words a statement of the reasons for demanding the recall of the officer as set forth in the recall petition, and the statement, if any, in not more than two hundred (200) words, made by the officer justifying his course in office as set forth in the recall petition.

Voting—Canvass of returns.

(10) At such recall election, the ballots shall read:

"Shall ----- (naming the officer) be recalled? Yes."

"Shall ----- (naming the officer) be recalled? No."

If a majority of the electors voting on the recall of the officer sought to be removed, shall vote in favor of such recall, said officer shall thereupon be deemed removed from office and his incumbency thereof shall terminate upon the declaration of the result of said election by the canvassing board thereof. In the published call for said election the clerk shall name three disinterested electors who shall act as a canvassing board to canvass the returns of said election and to declare the result thereof in the same manner and with the same force and effect as otherwise herein provided for the canvassing boards of general municipal elections.

Appointment of successor.

(11) The city commission shall appoint a successor to the officer removed, who shall hold until the next general municipal election, at which time a successor to the officer removed shall be elected by the people in the manner provided for in this charter.

Removal of a majority of the city commission.

(12) In the event that a majority of the city commissioners shall be simultaneously recalled, the city clerk shall appoint successors of the commissioners who have been recalled, to serve until other commissioners have been elected, as hereinafter provided. Within three days after the canvass of the vote of the election at which such commissioners are removed, the clerk shall issue a call for an election for the purpose of electing the successors of the officers so removed. Said election shall be held upon notice of not less than twenty and not more than twenty-five days, and said election shall be held within thirty days from the date of the canvass of the vote of the recall election. Nominations shall be made in the manner provided in Section 261 relating to the nomination of city commissioners, except that petitions for nominations shall be filed in the office of the city clerk at least ten days prior to the date of the holding of said election, and shall contain the requisite number of signatures when filed, without power of amendment. The clerk shall forthwith determine the sufficiency as to the number and genuineness of signatures of the petition. If the same be insufficient in these particulars, it shall be rejected, and if sufficient, the name of the person nominated therein shall be placed upon the official ballot as a candidate for the office for which he was nominated.

(13) The provisions of Article XXIV shall, except as hereinabove modified, apply to and govern all such elections.

Disqualification of recalled officer.

(14) No person recalled under the provisions of this section shall be eligible for election or appointment to any office in the city for a period of one year from and after the date of his recall.

New officer—When to qualify.

(15) Every person elected to fill a vacancy caused by the recall of an elective officer, as in this section provided, shall within four days from the declaration of the result of the election at which he was elected, qualify and assume the powers and duties of the office to which he was elected.

Percentage of subsequent recall.

(16) If, at a recall election, a majority shall vote against recalling the officer sought to be removed, it shall require a petition signed by qualified electors equal to twenty per cent of the total registered vote at the last municipal election at which a commissioner was elected to initiate a subsequent recall election against such officer during the term for which he was elected.

Further regulations.

(17) The city commission shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of Article XXIV thereto.

ARTICLE XXVIII.

OFFICIAL GAZETTE.

SECTION 276. The city commission shall cause the city clerk to print and issue each week a publication entitled the Official Gazette of the city of Sacramento, in which shall be published a summary of its proceedings during the week. Within ten days after the end of each calendar month there shall be printed in the Official

Gazette a detailed statement of all receipts and disbursements during such preceding month, showing to whom payments were made and for what purpose, which statement shall be classified under the various subdivisions of the city government, and shall show the expense of each subdivision for the month, the total expense of each subdivision for the fiscal year to date, and the amount of the annual budget allowed for each subdivision. All official and city matters which the city commission may direct or require to be published, shall be published only in the Official Gazette, unless other publication is required by this charter or the laws of the State of California. Nothing shall be published in the Official Gazette except such matters as pertain strictly and wholly to the city's business. No political matter, nor anything which advertises or calls special attention to any officer, employé or department of the city shall ever be published in the Official Gazette. Copies of the Official Gazette shall be furnished to the State Library of California, the City Library of Sacramento, the newspapers of Sacramento, to all persons who apply therefor at the office of the clerk, and to such other persons as the city commission may provide.

ARTICLE XXIX.

MISCELLANEOUS.

Office hours.

SECTION 277. Unless otherwise provided by law or in this charter, all public offices shall be open for business every day (except legal holidays) from half-past eight o'clock A. M. until five o'clock P. M., and in addition thereto, for two weeks before taxes become delinquent, the office of the city collector shall be open until nine o'clock P. M., and when any municipal election is held on Saturday, the office of the city clerk shall be kept open until the returns have been received from the polling precincts.

Hours of labor.

SEC. 278. Except in time of emergency, the maximum hours of labor or services to be rendered by any city employé, or any workman, laborer or mechanic engaged upon municipal work by a contractor or a sub-contractor, shall be eight hours in a calendar day, unless otherwise provided by this charter.

No assignment of outside work.

SEC. 279. No officer or employé of the city of Sacramento shall detail, or cause any officer or employé of said city to do or perform any service or work outside of his public service, work or employment, and any violation of this section shall constitute a misdemeanor punishable by a fine of not more than five hundred dollars (\$500), or by imprisonment for not more than six months.

Payment of debts.

SEC. 280. Failure of any employé to pay promptly any legal indebtedness contracted by him for the necessities of life while in the service of the city shall be sufficient ground for his removal from such employment.

Assignment of wages.

SEC. 281. Every assignment of wages not yet earned, made by any officer or employé of the city, shall be absolutely void, and the execution of such assignment on the part of any officer or employé shall be sufficient ground for his removal from the employment of the city. The city commission may, however, when in its judgment the circumstances warrant such action, authorize the immediate payment of not more than ninety per cent of the wages then earned by any officer or employé petitioning for such payment.

Municipal employment office.

SEC. 282. The city shall provide and maintain a free employment office to assist worthy persons in securing employment. No fees or compensation of any kind shall be paid by or required from any person seeking or securing employment through said office. The said employment office shall be under the immediate direction and control of the municipal employment agent, to be appointed by the commissioner of education. He shall perform such duties as the city commission may prescribe.

Bureau of economy and efficiency.

SEC. 283. The city commission shall have power to create a bureau of municipal economy and efficiency. This bureau shall have power, and it shall be its duty to investigate both the social and economic conditions and the financial and business management of the city, with a view to promote the welfare of its inhabitants, and the economy and efficiency of its administration.

Public records and copies.

SEC. 284. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Copies or extracts from such books and records, duly certified, shall be given by the officer having the same in custody to any person demanding the same, upon receiving payment therefor at such rate for copying and certification as the city commission may prescribe.

First election of officers.

SEC. 285. The board of trustees of the city of Sacramento, then in office, shall provide for the holding of the first election of officers under this charter and shall canvass the votes and declare the result.

When charter takes effect.

SEC. 286. For the sole purpose of the election of the officers directed by this charter to be elected by the people, this charter shall take effect immediately after its approval by the legislature, and such election shall be managed and conducted in accordance with the provisions of Article XXIV hereof. For all other purposes, this charter shall take effect on the first day of July next following the approval of said charter by the legislature.

CERTIFICATE.

WHEREAS, The city of Sacramento, a city containing a population of more than ten thousand and less than one hundred thousand inhabitants, on the twenty-seventh day of June, nineteen hundred and eleven, at a special election, and under and in accordance with the provisions of section eight, article eleven of the Constitution of the State of California, did elect E. F. Ashworth, Charles A. Bliss, W. A. Briggs, Albert Elkus, Frederick B. Fancher, James L. Gillis, William F. Gormley, James M. Henderson, Jr., Thomas James, Henry S. Kirk, D. A. Lindley, William Pook, A. L. Shinn, Robert A. Waring and E. M. Wilder a board of fifteen freeholders to prepare and propose a charter for said city;

BE IT KNOWN, That in pursuance of said provision of the Constitution and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Sacramento.

IN WITNESS WHEREOF, We have hereunto set our hands in duplicate this twenty-fifth day of September, one thousand nine hundred and eleven.

ALBERT ELKUS, President.
EDWARD F. ASHWORTH,
W. A. BRIGGS,
FREDERICK B. FANCHER,
JAMES L. GILLIS,
W. F. GORMLEY,
J. M. HENDERSON, JR.,
THOMAS JAMES,
HENRY S. KIRK,
D. A. LINDLEY,
WILLIAM POOK,
A. L. SHINN,
ROBERT A. WARING,
E. M. WILDER,
CHAS. A. BLISS, Secretary.

Attest: R. T. McKISICK, Assistant Secretary.

CITY OF SACRAMENTO, }
COUNTY OF SACRAMENTO, } ss.
STATE OF CALIFORNIA. }

I, M. R. Beard, mayor of the city of Sacramento, and I, M. J. Desmond, city clerk of the city of Sacramento, in the county of Sacramento, State of California, and ex officio clerk of the board of trustees of said city, do hereby certify that said city of Sacramento is and at all the times herein mentioned was a city containing a population of more than ten thousand and less than one hundred thousand inhabitants;

That the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 27th day of June, 1911, at a special election held in said city of Sacramento on said date for that purpose, and under and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, duly elected as such board by the qualified electors of said city of Sacramento, to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector in said city for more than five years previous to said election and were freeholders therein;

That the foregoing is a true copy of said charter so prepared and proposed as the charter for said city, and the same was signed in duplicate by the members of such board of freeholders, and returned, one copy thereof to the mayor of said city, and the other copy thereof to the recorder of the county of Sacramento, within ninety days after the date of said election;

That said proposed charter was thereafter published in the Sacramento Star and in the Sacramento Union, each of which was then a daily newspaper of general circulation in said city, and printed and published therein, and that said publication was made in each of said papers for at least twenty days, and that the first publication of said proposed charter in each of said papers was so made within twenty days after the completion of said charter; that within thirty days after such publication of said charter, to wit, on the 7th day of November, 1911, said charter was submitted to the qualified electors of said city at a general election held in said city; that at said election said proposed charter was duly ratified by a majority of the votes of the

said qualified electors voting thereon; that the returns of said election were duly canvassed by the board of trustees of the city of Sacramento on the 13th day of November, 1911, and the result thereof declared as above set forth; and that in all matters and things pertaining to the said proposed charter and the ratification thereof, all provisions of the Constitution of California and all the laws thereof pertaining to the adoption of said charter have been fully complied with in every particular.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the corporate seal of said city of Sacramento this 25th day of November, 1911.

M. R. BEARD,

Mayor of the City of Sacramento.

M. J. DESMOND,

City Clerk and ex officio Clerk of the Board
of Trustees of the City of Sacramento.

(SEAL)

AND WHEREAS, Said proposed charter so ratified has been duly presented and submitted to the Legislature of the State of California for approval or rejection, without power to alter or amend, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the city of Sacramento, as said charter was presented to, adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole, as and for the charter of said city of Sacramento.

Assembly concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 2 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Tyrrell, Walker, and Wolfe 33.

NOES—None.

Assembly concurrent resolution ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 13, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 22—An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee.

And: Senate Bill No. 4—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 414*g* and 414*f*, providing for the appointment of a registrar of voters, prescribing his duties and fixing his term of office.

And report that the same have been correctly reengrossed.

CASSIDY, Chairman.

Senate Bills Nos. 22 and 4 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 13, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Joint Resolution No. 4—Relative to the election of President and Vice-President of the United States by a direct popular and nation-wide vote.

And: Senate Bill No. 42—An Act to amend Section 4017 of the Political Code, with reference to the consolidation of county offices.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Joint Resolution No. 4 ordered transmitted to the Assembly.

Senate Bill No. 42 ordered on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Stetson asked for, and was granted, unanimous consent to take up Senate Bill No. 4 for consideration out of order.

Senate Bill No. 4—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149e and 4149f, providing for the appointment of a registrar of voters, prescribing his duties, and fixing his term of office.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 4 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Tyrrell asked for, and was granted, unanimous consent to take up Senate Bill No. 6 for consideration out of order.

Senate Bill No. 6—An Act to amend Section 4232 of the Political Code of California, relating to the salaries and fees of officers in counties of the third class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 6 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Stetson asked for, and was granted, unanimous consent to take up Senate Bill No. 42 for consideration out of order.

Senate Bill No. 42—An Act to amend Section 4017 of the Political Code, with reference to the consolidation of county offices.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 42 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Walker, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Stetson asked for, and was granted, unanimous consent to take up Senate Bill No. 43 for consideration out of order.

Senate Bill No. 43—An Act to amend Section 4020 of the Political Code of California, relating to consolidation of county offices.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 43 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Walker, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Roseberry asked for, and was granted, unanimous consent to take up Senate Bill No. 22 for consideration out of order.

Senate Bill No. 22—An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor, and fixing a license fee.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 22 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Cassidy, Cutten, Estudillo, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Strobridge, Walker, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bill, etc., was introduced:

By Senator Cartwright: Senate Bill No. 50—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

Bill read first time, and referred to Committee on County Government.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, December 13, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 7—Relative to the establishment of dry docks at Hunter's Point on the bay of San Francisco—have had the same under consideration, and beg to report the same back to the Senate with the recommendation that it be adopted as amended.

WRIGHT, Chairman.

Senate Joint Resolution No. 7 ordered on file.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, December 13, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 8—An Act to amend Section 4021a of the Political Code, providing for the recall of elective officers of counties and subdivisions thereof—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

ESTUDILLO. Chairman.

Assembly Bill No. 8 ordered on file for second reading.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Black, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 14—An Act to amend Section 1 of an Act entitled "An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of acquiring such land," approved April 22, 1909, to extend its operation to the acquirement of land for public library purposes.

Also: Assembly Bill No. 53—An Act to amend Section 2694 of the Political Code, relating to public highways.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

Assembly Bills 14 and 53 read first time.

Assembly Bill No. 14 ordered referred to Committee on Municipal Corporations.

Assembly Bill No. 53 ordered referred to Committee on Roads and Highways.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 10—An Act to provide for the recall of elective officers of incorporated cities and towns.

Also: Assembly Bill No. 32—An Act to amend section eight of an Act entitled "An Act to provide for the formation and establishment of boulevard districts, the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their terms of office, and of elections to be held in such districts; and repealing an Act entitled 'An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard,' approved March 22, 1905, and the Act amendatory thereof, approved April 15th, 1909," approved May 1st, 1911: said amendments relating to elections.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

Assembly Bills Nos. 10 and 32 read first time.

Assembly Bill No. 10 ordered referred to Committee on Elections and Election Laws.

Assembly Bill No. 32 ordered referred to Committee on Roads and Highways.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 36—An Act to amend Section 1837 of the Political Code, relating to the levying of district school taxes by boards of supervisors.

Also: Senate Bill No. 14—An Act excluding certain lands from Reclamation District No. 535, and providing for the continuance of said district as to the remaining

lands within the boundaries thereof, and providing that the lands so excluded shall be liable for their just proportion of the legal indebtedness of said district, when the same shall be ascertained by law.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HAZEN, Assistant Clerk.

Senate Bills Nos. 36 and 14 ordered to enrollment.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bill, etc., was introduced:

By Senator Boynton: Senate Concurrent Resolution No. 2—Relative to Joint Rules.

SUSPENSION OF RULES.

Senator Boynton asked for, and was granted, unanimous consent that Senate Concurrent Resolution No. 2 be placed on file without reference to committee, and be taken up for consideration and final passage.

SENATE CONCURRENT RESOLUTION No. 2.

Resolved by the Senate, the Assembly concurring. That the following be and are hereby adopted as the Joint Rules of the Senate and Assembly of the Legislature of the State of California for this special session of said Legislature:

JOINT RULES OF SENATE AND ASSEMBLY.

Joint Address to Governor.

1. When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate in the presence of the Speaker of the House and a select committee of nine (9) members, appointed for that purpose from each house.

Bill or Resolution in One House, Rejected in the Other, Requires Notice.

2. When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given immediately to the house in which the same shall have passed.

Each House to Transmit Papers.

3. Each house shall transmit to the other papers on which any bill or resolution shall be founded.

Joint and Concurrent Resolutions.

4. Joint resolutions are those which relate to matters connected with the Federal Government. All other resolutions relating to matters to be treated by both houses of the Legislature are concurrent resolutions.

Joint Resolutions Treated as Bills.

5. All joint resolutions shall be treated in all respects as bills; except that all joint resolutions shall be read but one time in each house.

Amendments to Amended Bills Must Be Attached.

6. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

Bills Read and Referred to Committee.

7. When a Senate bill has been received by the Assembly, or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the Secretary or Clerk and referred to a standing committee.

After a Bill Has Been Passed by the Senate or Assembly.

8. When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate, after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate messages" or "Assembly messages"), read the first time, and shall then be assigned to the proper committee, who shall act upon the same as soon as practicable, and

report the same back to the Senate or Assembly forthwith, and the chairman of each committee is charged with the observance of this rule, provided that the Senate or the Assembly may, at any time, order such bill reported back from any committee by a majority vote.

To Concur or Refuse to Concur in Amendments.

9. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments.

When Amendments Are Concurred In.

10. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the amendments, and the bill shall be ordered to enrollment.

When Senate or Assembly Refuse to Concur.

11. If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a committee on conference shall be appointed, consisting of six members, three to be appointed by the President of the Senate and three by the Speaker of the Assembly. The committee on conference shall report to both the Senate and Assembly.

Committee on Conference.

12. In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective committees.

Committee on Free Conference.

13. If the committee on conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a Committee on Free Conference.

A Committee on Free Conference shall consist of six members, to be appointed in the same manner as a Committee on Conference. The Committee on Free Conference shall have power to embody in its report any amendment or amendments which a majority of said committee shall approve and recommend for adoption, and any such proposed amendments shall be attached to the bill. The final report of said committee need not be signed by all of its members, but any four of said members may submit such report.

The report of the Committee on Free Conference shall not be subject to amendment in either house, and unless at least four members of the Committee on Free Conference unite in the submission of a report no further action shall be taken with respect to the bill then under consideration.

When Conference Committee Report is in Order.

14. The presentation of report of Committee on Conference or Free Conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate or Assembly is dividing, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

Messages Must Be Announced by the Assistant Sergeant-at-Arms.

15. When a message shall be sent from either house it shall be announced at the door by the Sergeant-at-Arms, and shall be respectfully communicated to the presiding officer by the person by whom it may be sent.

Secretary, Clerk, Etc., to Carry Messages.

16. Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each house may determine to be proper.

Notices to be on Paper, Under Proper Signatures.

17. Notice of the action of either house to the other shall be on paper, and under the signature of the Secretary or Clerk of the house from which such notice is to be conveyed.

Enrolled Bills to Receive Signature of Proper Officer.

18. After a bill shall have passed both houses, it shall be duly enrolled and carefully compared by the Engrossing and Enrolling Clerk and Engrossing and Enrolling Committee of the Assembly, or of the Senate, as the bill may have originated, and shall first receive the signature of the presiding officer and Clerk or Secretary of the House in which it emanated, before it shall be presented to the Governor of the State.

Enrolling Committee to Compare.

19. When bills are enrolled they shall be reexamined by the Engrossing and Enrolling Committee of the house in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two houses, and, correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the house in which the bill originated, stating by whom such bill was examined.

President and Speaker to Sign Bills.

20. After the examination and report, each bill shall be signed in the respective houses, first by the Speaker of the Assembly, then by the President of the Senate.

Enrolling Committee to Present Bills to Governor.

21. After a bill shall have been thus signed in each house, it shall be presented by the Engrossing and Enrolling Committee of the house in which it originated to the Governor of the State for his approval (it being first endorsed on the back of the bill by the Secretary or Clerk, as the case may be, certifying in which house the bill originated). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the house in which the bill originated.

Daily History of Bills, Etc.

22. There shall be printed daily, by both the Senate and the Assembly, a history of all bills, joint and concurrent resolutions, and constitutional amendments, which shall show the action taken by the house up to the day preceding the publication of such history: A regular form shall be prescribed, and no other form shall be used.

Secretary and Clerk to Keep Register.

23. The Secretary of the Senate and Clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment.

Secretary and Clerk Shall Endorse Bills.

24. The Secretary of the Senate and Clerk of the Assembly shall endorse on every original bill a statement of any action taken by the Senate and Assembly.

Adjournment Sine Die.

25. An adjournment *sine die* shall be made only by concurrent resolution.

Dispensing With Joint Rules.

26. No joint rule shall be dispensed with except by vote of two thirds of each house; and if either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house, the President or Speaker may direct the Secretary or Clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

Senate concurrent resolution read.

The question being on the adoption of concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 2 adopted by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Cutten, Estudillo, Gates, Hans, Hewitt, Holahan, Larkins, Regan, Rush, Sanford, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wright—23.

NOES—Senators Cartwright, Curtin, Hare, Juilliard, Martinelli, Shanahan, and Wolfe—7.

Senate concurrent resolution ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, December 13, 1911.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 47—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced

within such districts; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897—have had the same under consideration, and respectfully report the same back and recommend that the same be re-referred to the Committee on Judiciary.

BILLS, Vice-Chairman.

Senate Bill No. 47 ordered re-referred to Committee on Judiciary.

ADJOURNMENT.

At three o'clock and thirty minutes P. M., on motion of Senator Bell, the President declared the Senate adjourned until Thursday, December 14, 1911, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,

Thursday, December 14, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, December 13, 1911, the further reading was dispensed with, on motion of Senator Rush.

ANNOUNCEMENT.

The President of the Senate announced the receipt of an invitation from the Southern Pacific Company to the Senate of the State of California to visit the special agricultural and horticultural demonstration train, which will be in Sacramento Thursday, December 14, 1911, at three o'clock and thirty minutes P. M.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 14, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 17—An Act to amend section ten hundred and eighty-three of the Political Code of the State of California, relating to and defining qualified electors.

Also: Senate Bill No. 18—An Act to amend section seventeen of the Political Code of the State of California, relating to definitions of certain terms used in said Code.

Also: Senate Bill No. 19—An Act to amend section four thousand and twenty-three of the Political Code of the State of California, relating to eligibility to county, district, and township offices.

Also: Senate Bill No. 27—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts, as required by section six, article four, of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891; and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 17, 18, 19, and 27 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 14, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 32—An Act to amend Section 1094 of the Political Code of the State of California, relating to the registration of voters.

Also: Senate Bill No. 5—An Act to amend section four thousand and thirteen of the Political Code of California, relating to the officers of a county.

And report that the same have been correctly reengrossed.

CASSIDY, Chairman.

Senate Bills Nos. 32 and 5 ordered on file for third reading.

SPECIAL ORDER POSTPONED.

Senator Burnett moved that the further consideration of Assembly Bill No. 1—An Act to provide for the organization of the railroad commission, to define its powers and duties and the powers and duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act with amendments pending—heretofore set a special order for eleven o'clock A. M. of this day, be postponed and made a special order for Thursday, December 14, 1911, at eleven o'clock and forty-five minutes A. M.

Motion carried.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, December 13, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 4—An Act to amend Section 1083 of the Political Code of the State of California, relating to the qualifications of a voter—have had the same under consideration, and respectfully report the same back with amendments and recommend that the same do pass as amended.

ESTUDILLO, Chairman.

Assembly Bill No. 4 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 13, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 26—An Act to amend section seventeen of the Political Code of the State of California, relating to definitions of certain terms used in said Code.

Also: Assembly Bill No. 50—An Act to repeal Section 1202 of the Political Code of the State of California, relating to ballot clerks—additional election officers.

Also: Assembly Bill No. 49—An Act to amend Sections 1142 and 1204 of the Political Code of the State of California, relating to boards of election and manner of voting.

Also: Assembly Bill No. 48—An Act to amend Section 1151 of the Political Code of the State of California, relating to board of elections for special election precincts—poll lists.

Have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

ESTUDILLO, Chairman.

Assembly Bills Nos. 26, 50, 49 and 48 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, December 13, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 37—An Act to amend Section 3494 of the Political Code of the State of California, relating to the sale of school lands.

Also: Senate Bill No. 47—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

CURTIN, Vice-Chairman.

Senate Bills Nos. 37 and 47 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 13, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 8—An Act to amend Section 1855a of the Code of Civil Procedure, relative to the introduction of abstracts of title in evidence—have had the same under consideration, and respectfully report the same back with amendments and recommend that the same do pass as amended.

CURTIN, Vice-Chairman.

Senate Bill No. 8 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Gates: Senate Joint Resolution No. 12—Relative to arbitration peace treaties now pending before the Senate of the United States.

Senate joint resolution referred to Committee on Federal Relations.

By Senator Campbell: Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section six of article four thereof, relating to senatorial and assembly districts, and repealing section twenty-seven of article four of said Constitution, relating to congressional districts and the formation thereof.

Senate constitutional amendment referred to Committee on Judiciary.

RESOLUTION.

The following resolution was introduced:

By Senator Hans:

WHEREAS, The Senate has been informed of the recent and untimely death of J. G. McCall, who represented the county of Alameda in the twenty-ninth session of

the California Legislature, and who for a long number of years up to the time of his death rendered this Senate efficient service in his capacity as Assistant Sergeant-at-Arms; now, therefore, be it

Resolved, That the Senate of the State of California hereby expresses its sincere condolence to his bereaved relatives and friends; that these resolutions be printed in the Journal, and a copy thereof be transmitted by the Secretary of the Senate to the widow of the deceased.

Resolution read and adopted.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 5—An Act to amend section four thousand and thirteen of the Political Code of California, relating to the officers of a county.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 5 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobbridge, Tyrrell, Walker, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 32—An Act to amend Section 1094 of the Political Code of the State of California, relating to the registration of voters.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 32 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SUSPENSION OF RULES.

Senator Holohan moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion carried.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 27—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four, of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891; and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for

the election of Senators and Assemblymen therein." approved March 21, 1911, and all other Acts in conflict with this Act.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Thompson moved to refer to Senator Stetson, as a special committee of one, to amend as follows:

On page 7, Section 1, Subdivision 20, line 6, strike out the words "Haight, Haight", and insert in lieu thereof the words: "Oak street, Oak".

Also: On page 7, Section 1, Subdivision 21, line 6, strike out the word "street", and insert in lieu thereof the word "avenue".

Also: On page 7, Section 1, Subdivision 21, line 9, strike out the word "street" where it first occurs in said line, and insert in lieu thereof the word "avenue".

Also: On page 7, Section 1, Subdivision 21, line 12, strike out the words "street, Bryant street", and insert in lieu thereof the words "avenue, Bryant avenue".

Also: On page 8, Section 1, Subdivision 22, strike out all of lines 10 and 11, and insert in lieu thereof the words "Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to San Carlos street, San Carlos street to Eighteenth street, Eighteenth street to Shotwell street, Shotwell street to Twenty-first street, Twenty-first street to".

Also: On page 11, Section 2, Subdivision 14, line 2, after the word "district" insert a comma and the following words "as designated and constituted by this section".

Also: On page 17, Section 2, Subdivision 29, lines 5 and 6, strike out the words "Bryant street, Bryant street", and insert in lieu thereof the following words "Bryant avenue, Bryant avenue".

Also: On page 17, Section 2, Subdivision 30, line 4, strike out the words "Eleventh street", and insert in lieu thereof the words "Bryant avenue".

Also: On page 17, Section 2, Subdivision 30, line 5, strike out the word "street" following the word "Bryant", and insert in lieu thereof the word "avenue".

Also: On page 17, Section 2, Subdivision 31, line 6, after the word "street", insert the following words "to Army street, Army street".

Also: On page 18, Section 2, Subdivision 34, line 9, after the words "Burnett avenue" where they occur the second time in said line, insert the words "to Corbett avenue, Corbett avenue".

Also: On page 18, Section 2, Subdivision 34, line 13, after the word "point", insert the words "in the easterly boundary line of the San Miguel Rancho".

Also: On page 18, Section 2, Subdivision 34, line 14, after the word "thence", insert the words "along said line".

Also: On page 20, Section 2, Subdivision 37, line 11, strike out the words "street, Bryant street", and insert in lieu thereof the words "avenue, Bryant avenue".

Also: On page 20, Section 2, Subdivision 39, line 7, after the word "street", insert the words "and the extension of Washington street across Alta Plaza".

Also: On page 21, Section 2, Subdivision 40, line 12, after the word "Washington", where it occurs the second time in said line, insert the following words "street and the extension of Washington street across Alta Plaza".

Also: On page 23, Section 2, Subdivision 59, line 2, strike out the word "nine", and insert in lieu thereof the word "nineteen".

Also: On page 23, Section 2, Subdivision 59, line 5, after the comma following the words "Del Rey", insert the words "Ocean Park City numbers one, two and three".

Also: On page 27, Section 2, Subdivision 68, line 7, strike out the word "Riveria", and insert in lieu thereof the word "Rivera".

Also: On page 28, Section 2, Subdivision 69, line 15, after the word "and", insert the words "also that part of said precinct of El Monte lying".

Also: On page 29, Section 2, Subdivision 71, line 19, strike out the comma following the word "twenty-nine", and insert in lieu thereof the word "and".

Also: On page 30, Section 2, Subdivision 76, lines 2 and 3, strike out the words "fixed and defined in this Act", and insert in lieu thereof the words "designated and constituted by this section".

Also: Add a new section to said bill, to be numbered section four, and to read as follows:

"SEC. 4. An Act entitled 'An Act to divide the State into legislative districts as required by section six, article four of the Constitution, and to provide for the election of Assemblymen and Senators in such districts,' approved March 11, 1891, and also an Act entitled 'An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein,' approved March 21, 1901, and all other Acts in conflict with this Act are hereby repealed."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 14, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 32, with instructions to amend, respectfully reports the same back, amended as per instructions.

STETSON, Committee.

Report of special committee of one, and amendments, adopted.

Also:

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Gates as a special committee of one, to amend as follows:

By striking out of page 8, Section 2, Subdivision 78, all of said subdivision after the words "portion of the", and inserting in lieu thereof the following: "county of San Diego included within the present boundaries of the first, second, third, fourth, fifth, sixth, and seventh wards of the city of San Diego shall constitute the Seventy-eighth Assembly District."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 14, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 27, with instructions to amend, respectfully reports the same back, amended as per instructions.

GATES, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Joint Resolution No. 3—Relative to restricting Japanese and other Asiatic immigration.

On motion of Senator Sanford, Senate Joint Resolution No. 3 was temporarily passed on file, to retain its place.

Senate Bill No. 19—An Act to amend section four thousand and twenty-three of the Political Code of the State of California, relating to eligibility to county, district, and township offices.

On motion of Senator Avey, Senate Bill No. 19 was temporarily passed on file, to retain its place.

Senate Bill No. 17—An Act to amend section ten hundred and eighty-three of the Political Code of the State of California, relating to and defining qualified electors.

On motion of Senator Bell, Senate Bill No. 17 was temporarily passed on file, to retain its place.

Senate Bill No. 18—An Act to amend section seventeen of the Political Code of the State of California, relating to definitions of certain terms used in said Code.

On motion of Senator Avey, Senate Bill No. 18 was temporarily passed on file, to retain its place.

Senate Bill No. 39—An Act to amend an Act entitled "An Act to regulate and control the sale, rental and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for conveyance of such water to the place of use."

On motion of Senator Hurd, Senate Bill No. 39 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section six, article four thereof.

On motion of Senator Boynton, Senate Constitutional Amendment No. 2 was temporarily passed on file, to retain its place.

RUSH ORDER TO PRINTER.

On motion of Senator Thompson, the Secretary was directed to issue a rush order for printing Senate Bill No. 27.

INTRODUCTION AND FIRST READING OF BILLS, ETC. — (OUT OF ORDER.)

The following bill, etc., was introduced:

By Senator Caminetti: Senate Constitutional Amendment No. 8—Resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section eight of article thirteen thereof, relating to taxation by counties and municipalities.

Senate constitutional amendment referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES— (OUT OF ORDER).

The following reports of standing committees were received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, December 14, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 50—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

HEWITT, Chairman.

Senate Bill No. 50 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, December 14, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 41—An Act to amend Section 1 of an Act entitled "An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of acquiring such land," approved April 22, 1909, to extend its operation to the acquirement of land for public library purposes—have had the same under consideration and respectfully report the same back and recommend that it do pass.

HURD, Chairman.

Assembly Bill No. 41 ordered on file for second reading.

THIRD READING OF ASSEMBLY BILLS, ETC.

ASSEMBLY JOINT RESOLUTION No. 1.

Relative to petitioning Congress to appropriate one million (\$1,000,000) dollars for the improvement of Yosemite National Park.

WHEREAS, The Yosemite Valley and Mariposa grove of big trees were ceded and regranted to the United States of America by the Legislature of the State of California in 1905 on the representation and with the understanding that the Yosemite Valley would be cared for by the Federal Government as was the Yellowstone Park, and that similar appropriations would be made for the improvement of the Yosemite Park; and

WHEREAS, There has in recent years been more than one million dollars spent on the Yellowstone Park in annual appropriations of two hundred and fifty thousand

dollars each and said park and its road system improved in accordance with a comprehensive plan; and

WHEREAS, The proximity of the Yosemite Valley to San Francisco was one of the strong reasons urged in favor of holding an exposition in San Francisco in 1915; and

WHEREAS, Many improvements are required in the Yosemite National Park in order to properly prepare the valley and vicinity to receive the thousands of travelers from all parts of the world who will wish to visit the valley during that year; therefore, be it

Resolved by the Senate and Assembly of the State of California, concurring jointly. That our Senators and Representatives in Congress are hereby requested to use all honorable means to secure an appropriation of one million (\$1,000,000) dollars extending over a period of four years, two hundred and fifty thousand dollars to be appropriated by Congress each year, to be expended in the improvement of the Yosemite National Park, such expenditure to be made in pursuance of some comprehensive plan of development; and be it further

Resolved, That a copy of these resolutions be forthwith transmitted by the Chief Clerk of the Assembly to the President of the Senate of the United States and the Speaker of the House of Representatives of the United States, and a copy hereof to each member of Congress from the State of California.

Assembly joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 1 adopted by the following vote:

AYES—Senators Beban, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Cutton, Estudillo, Gates, Hewitt, Hurd, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, and Walker—21.

NOES—Senators Avey, Bills, Burnett, Cartwright, Curtin, Finn, Hans, Holohan, Juilliard, Larkins, Martinelli, Sanford, Tyrrell, and Wright—14.

Title read and approved.

Assembly joint resolution ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 14, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bill:

Senate Bill No. 38—An Act to authorize the Superintendent of Capitol Building and Grounds to employ extra help for the extra session of the Thirty-ninth Legislature, for the month of December, 1911, and appropriating money therefor—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 38 ordered on file for third reading.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, December 14, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 6—Relative to a canal from the San Joaquin River, near Pollasky, in Fresno County, to a point in San Joaquin County, near Stockton.

Also: Senate Joint Resolution No. 10—Relative to the Simmons national quarantine Act.

Have had the same under consideration, and report the same back to the Senate with the recommendation that they be adopted.

WRIGHT, Chairman.

Senate Joint Resolutions Nos. 6 and 10 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, December 14, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 9—Relative to the continuance by the United States of the government line of steamers from eastern seaports to Colon in the canal zone and the extension thereof to San Francisco and other seaports on the western coast of the United States on the completion of the Panama Canal—have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that said joint resolution be adopted as amended.

WRIGHT, Chairman.

Senate Joint Resolution No. 9 ordered on file.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 1—An Act to provide for the organization of the railroad commission, to define its powers and duties and the powers and duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act, with amendments pending—the same was taken up for consideration.

During second reading of the bill, the following amendments were offered by Senator Wright:

Strike out paragraph "d," Section 52, page 42, and insert the following in lieu thereof:

"(d) All stocks, and any stock certificate, and every bond, note or other evidence of indebtedness of a public utility, issued without an order of the commission authorizing the same, shall be void. All stocks and every stock certificate, and every bond, note or other evidence of indebtedness of a public utility, issued in accordance with the order of authorization of the commission and conforming to the provisions of such order, shall be valid."

Also: Strike out paragraph "h," Section 52, page 43, and insert the following in lieu thereof:

"(h) If any public utility shall have, prior to the time this Act becomes operative, authorized the issuance of bonds which have been in whole or in part issued, or pledged, or become subject to contract of sale, this Act shall not apply."

Also: On page 52, after the period following the word and figures "Sec. 64." strike out all of said section, and insert in lieu thereof the following:

"The commission may at any time, upon notice to the public utility affected, and after opportunity to be heard as provided in the case of complaints, rescind, alter or amend any order or decision made by it, excepting orders made by it pursuant to the provisions of section fifty-two of this Act authorizing the issue of stocks, stock certificates, bonds, notes and other evidences of indebtedness. Any order rescinding, altering or amending a prior order or decision shall, when served upon the public utility affected, have the same effect as herein provided for original orders or decisions."

SPECIAL ORDER POSTPONED.

Pending the consideration of the amendments proposed by Senator Wright, Senator Burnett moved that further consideration of Assembly Bill No. 1—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of public utilities, their officers, agents and employees and the rights,

duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission, of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act—be continued, and made a special order, to be taken up immediately after the consideration of the special order heretofore set for Thursday, December 14, 1911, at two o'clock P. M.

Motion carried.

INTRODUCTION OF CONCURRENT RESOLUTION— (OUT OF ORDER).

The following concurrent resolution was introduced:

By Senator Boynton: Senate Concurrent Resolution No. 3—Relative to the teaching of patriotism in the public schools of California.

Senate concurrent resolution referred to Committee on Education.

RECESS.

At twelve o'clock and thirty minutes P. M., on motion of Senator Bell, the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 14, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 40—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

Also, Senate Bill No. 15—An Act to amend section ten thousand ninety-six of the Political Code of the State of California, relating to registration of voters.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 40 and 15 ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.— (OUT OF ORDER).

The following bill, etc., was introduced:

By Senator Bills: Senate Bill No. 57—An Act to amend section eleven hundred and twenty of the Political Code, relating to registration and the qualification of voters.

Bill read first time, and referred to Committee on Elections and Election Laws.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books—the same was taken up for consideration.

Constitutional amendment read.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Cartwright, as a special committee of one, to amend as follows:

By striking out all after the figure "7", in line 9, down to and including the word "compile", in line 13, and inserting in lieu thereof the following: "The Legislature shall provide for the appointment or election of a state board of education, and said board shall provide".

POINT OF ORDER.

Senator Wolfe raised the point of order that the consideration of the amendments to Assembly Constitutional Amendment No. 3, offered by Senator Curtin, were not in accord with the provisions of subdivision number seven of the call of the Governor convening this extraordinary session.

MOTION.

Senator Boynton moved that all further consideration of the point of order raised by Senator Wolfe, the amendments to Assembly Constitutional Amendment No. 3, offered by Senator Curtin, and Assembly Constitutional Amendment No. 3, be made a special order for Friday, December 15, 1911, immediately after the reading of the Journal.

Motion carried.

SPECIAL ORDER RESCINDED AND RESET.

Senator Boynton moved that the consideration of Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books—heretofore set for Friday, December 15, 1911, immediately after the reading of the Journal, be rescinded and reset for Friday, December 15, 1911, at two o'clock and thirty minutes P. M.

Motion carried.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At three o'clock and five minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Estudillo, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 61—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation dis-

tricts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Also: Adopted Assembly Concurrent Resolution No. 4—Relative to printing on stationery of state offices an invitation in behalf of the State of California relative to Panama-Pacific International Exposition.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bill No. 61 read first time and referred to Committee on Judiciary.

Assembly Concurrent Resolution No. 4 referred to Committee on Printing.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 14, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1—An Act to amend sections one, three, four, nine, ten and eleven of an Act known as "The Building and Loan Commission Act," Chapter 354, Laws of 1911, approved April 5, 1911, relating to the powers and duties of the Building and Loan Commissioner.

Also: Assembly Bill No. 30—An Act to provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for President of the United States, and to provide for the election of the delegates of said political parties to their respective national conventions, and to call an election in conformity with the provisions of this Act.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 1 ordered to enrollment.

Assembly Bill No. 30 read first time and referred to Committee on Elections and Election Laws.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 14, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as amended Senate Bill No. 28—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending sections twelve and twelve *a* thereof, relative to the corporate names of associations other than banks—and respectfully request your honorable body to concur in said amendments.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 28?"

On page 1 of the printed bill, strike out in line 1 all after the words "Section 1," and then down to and including the word "banking," in line 2, and insert in lieu thereof the following: "Section 12 of an Act entitled 'An Act to define and regulate the business of banking,' approved March 1, 1909."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 28 by the following vote:

AYES—Senators Avey, Beban, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cassidy, Curtin, Cutton, Estudillo, Gates, Hans, Hare, Hurd, Martinelli, Regan, Roscherry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Senate Bill No. 28 ordered to enrollment.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Birdsall asked for, and was granted, unanimous consent to take up for consideration all bills now on the second-reading files.

Senate Bill No. 37—An Act to amend Section 3494 of the Political Code of the State of California, relating to the sale of school lands.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 47—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 8—An Act to amend Section 1855a of the Code of Civil Procedure, relative to the introduction of abstracts of title in evidence.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the word "section" and insert in lieu thereof the following: "action".

Amendment adopted.

Also:

On page 2, Section 1, line 30, after the word "same" insert the following: "and also the abstracts, memoranda or notes from which it was compiled".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Assembly Bill No. 8—An Act to amend Section 4021a of the Political Code, providing for the recall of elective officers of counties and subdivisions thereof.

During second reading of the bill, the following amendments were submitted by committee:

On page 4, line 88, insert between the words "nominated" and "as" the following: "in the manner provided by law for the nomination of candidates for such office".

Amendment adopted.

Also:

On page 2, line 14, strike out the words "member of the House of Representatives of the Congress of the United States," and insert in lieu thereof the following: "the office which the incumbent, sought to be removed, occupies".

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 41—An Act to amend Section 1 of an Act entitled "An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of acquiring such land," approved April 22, 1909, to extend its operation to the acquirement of land for public library purposes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 26—An Act to amend Section 17 of the Political Code of the State of California, relating to definitions of certain terms used in this Code.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 49—An Act to amend Sections 1142 and 1204 of the Political Code of the State of California, relating to the board of election and manner of voting.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 50—An Act to repeal Section 1202 of the Political Code of the State of California, relating to ballot clerks additional elections officers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 48—An Act to amend Section 1151 of the Political Code of the State of California, relating to board of elections for special election precincts—poll lists.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 4—An Act to amend Section 1083 of the Political Code of the State of California, relating to the qualifications of a voter.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, after the words "United States" insert a comma and add the following: "every person who shall have acquired the right of citizenship under or by virtue of the treaty of Queretaro and every naturalized citizen thereof or female person who has acquired citizenship by virtue of her marriage to a citizen or by the naturalization of her husband and every other person who has otherwise become a citizen of the United States".

Amendment adopted.

Also:

On page 1, Section 1, line 3, after the word "every" insert the following: "native".

Amendment adopted.

Bill read second time, ordered to print, and third reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Avey asked for, and was granted, unanimous consent to take up for consideration, out of order, all bills on third-reading files.

Assembly Bill No. 24—An Act to amend Section 4023 of the Political Code of the State of California, relating to eligibility to county, district and township offices.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 24 finally passed by the following vote:

AYES—Senators Avey, Beban, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 45—An Act to amend Section 1066 of the Political Code of the State of California, relating to the number of votes necessary to elect.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 45 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 7—Relative to establishment of dry docks at Hunter's Point in the bay of San Francisco.

The following amendments were submitted by committee:

Strike out of the title of Joint Resolution No. 7 the words "at Hunter's Point in the bay of San Francisco" and insert in lieu thereof the following: "on the bay of San Francisco or waters tributary thereto".

Amendment adopted.

Also:

Strike out from the printed resolution, page 1, lines 8 to 15, both inclusive, and insert in lieu thereof the following:

"Resolved, That the Federal Government be and it is hereby most respectfully and earnestly requested to establish one of the proposed great naval dry docks on the bay of San Francisco or waters tributary thereto; be it further".

Amendment adopted.

Also:

On page 2 of the printed resolution strike out lines 19 and 20 and insert in lieu thereof the following: "Great naval dry docks on the bay of San Francisco or waters tributary thereto; be it further".

Amendment adopted.

Joint resolution ordered to print, engrossment, and on file.

Senate Bill No. 38—An Act to authorize the Superintendent of Capitol Building and Grounds to employ extra help for the extra session of the thirty-ninth Legislature for the month of December, 1911, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called and Senate Bill No. 38 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Stobridge, Thompson, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, December 14, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 20—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by Congress to the State of California for the benefit of the public schools, and internal improvements, authorizing the conveyance of land by officers of the State for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions hereof.

Also: Senate Bill No. 7—An Act making an appropriation for the purpose of carrying out the provisions of the California Railroad Commission Act.

Have had the same under consideration, and respectfully report the same back and recommend that the same do pass as amended.

CUTTEN, Chairman.

Senate Bills Nos. 20 and 7 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILL—(OUT OF ORDER).

The following bill, etc., was introduced:

By Senator Thompson: Senate Bill No. 52—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State of California into congressional districts," approved March 11, 1891, and also to repeal an Act entitled "An Act to divide the State into congressional districts, and to provide for the election of members of the House of Representatives of the United States therein," approved March 23, 1901, and all other Acts in conflict with this Act.

Bill read first time, and referred to Committee on Apportionment and Representation.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Caminetti asked for, and was granted, unanimous consent to take up for consideration out of order all bills on second reading file.

Senate Bill No. 7—An Act making an appropriation for the purpose of carrying out the provisions of the California Railroad Commission Act.

During second reading of the bill, the following amendments were submitted by committee:

In line 2 of the title of the printed bill strike out the words "California Railroad Commission" and in lieu thereof insert the words "public utilities".

Amendment adopted.

Also:

Immediately after the title insert the following:

WHEREAS, The Railroad Commission Act, approved February 10, 1911, appropriated the sum of one hundred thousand dollars, to be used by the Railroad Commission to carry out the provisions of said Act; and

WHEREAS, The Public Utilities Act will repeal the Railroad Commission Act and will thereby turn back into the General Fund of this State such portion of said appropriation as may remain unexpended when the Public Utilities Act goes into effect, such moneys so remaining unexpended being estimated at ninety-six thousand dollars; and

WHEREAS, It is necessary to appropriate to the use of the Railroad Commission said sum of ninety-six thousand dollars and such further moneys as may be needed to enable the Railroad Commission to perform the additional duties devolving upon the commission under the Public Utilities Act, until the end of the next fiscal year, said additional moneys being estimated to be sixteen thousand dollars for the salaries of two additional commissioners and ninety-two thousand dollars for new public utility work; now, therefore,"

Amendment adopted.

Also:

On line 4, Section 1 of the printed bill, strike out the word "California", and in line 5 strike out the words "railroad commission", and in lieu thereof insert the words "public utilities".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Joint Resolution No. 9—Relative to the continuance by the United States of the government line of steamers from eastern seaports to Colon, in the canal zone, and the extension thereof to San Francisco and other seaports on the western coast of the United States on the completion of the Panama Canal.

The following amendments were submitted by committee:

Strike out of the title to Senate Joint Resolution No. 9 the words "San Francisco and other", appearing on lines 3 and 4 of the title, and insert in lieu thereof the word "Pacific".

Amendment adopted.

Also:

On page 1, line 14 of the printed resolution, strike out the words "San Francisco and other" and insert in lieu thereof the word "Pacific".

Amendment adopted.

Also:

On page 2, line 37 of the printed resolution, strike out the words "San Francisco and other" and insert in lieu thereof the word "Pacific".

Amendment adopted.

Joint resolution ordered to print, engrossment, and on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to take up for consideration out of order, Senate Joint Resolution No. 6.

SENATE JOINT RESOLUTION NO. 6.

Relative to a canal constructed from the San Joaquin River near Pollasky, in Fresno County, to a point in San Joaquin County, near Stockton.

WHEREAS, There is in the San Joaquin Valley in California a large tract of irrigable arid land, over two hundred thousand acres of which land lies in Madera County, and all of which land is good rich level arid lands, and the same would consume all the flood waters that annually come down from the Sierra Nevada mountains through the San Joaquin and Fresno rivers, and if said waters were conserved and distributed over said lands, the same would yield bountiful crops and would add great wealth to the State of California; and

WHEREAS, All of said waters could be conserved and distributed over said lands by means of a canal constructed from the San Joaquin River near Pollasky, in Fresno County, skirting the edges of the foothills of the Sierra Nevada Mountains to a point in San Joaquin County near Stockton; and

WHEREAS, If said waters were so conserved and distributed by means of said canal a large return therefrom by annual rentals for the use of said waters would result in ample returns to the Government upon the moneys thus expended, and at the same time would lessen the cost of maintaining the levees and embankments along the San Joaquin River between Stockton and Antioch, and minimize the danger to and loss of property occasioned by the rise and overflow of said San Joaquin River; and

WHEREAS, The distance between Stockton and Pollasky is approximately one hundred and twelve miles, and the town of Pollasky is two hundred feet and over higher in elevation than the city of Stockton, and a canal of capacity of five thousand second feet of water could be constructed between said two last named places without great cost to the Federal Government, but the cost thereof is too great for private enterprise or state undertaking; therefore, be it

Resolved by the Senate and Assembly, jointly, That our Senators in Congress be instructed and our Representatives be requested to use all honorable means to secure the passage of a law in Congress by which the government of the United States will cause a proper survey of such proposed restraining dams and canal to be made, and to thereafter with all reasonable dispatch construct dams and canal and to sell and dispose of upon such terms as may be prescribed by the department in charge thereof, the said waters for use of all the lands along the route of said canal to which the same can be carried and applied; be it further

Resolved, That a copy of these resolutions be forwarded by the Secretary of the Senate to each of our Senators and Representatives in Congress.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 6 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans,

Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Walker, Welch, Wolfe, and Wright—25.
 NOES—None.

Senate joint resolution ordered transmitted to the Assembly.

SENATOR JULLIARD IN THE CHAIR.

At three o'clock and thirty minutes P. M., Senator Juilliard of the Eighth District, in the chair.

CONSIDERATION OF RESOLUTION—(OUT OF ORDER).

Senator Bills asked for, and was granted, unanimous consent to take up for consideration out of order Senate Joint Resolution No. 10.

SENATE JOINT RESOLUTION No. 10.

Relating to the Simmons National Quarantine Act, now before Congress.

WHEREAS, The State of California is now expending more than one million dollars annually in combating insect foes, one firm having spent more than twenty-five thousand dollars in a single season in the effort to control a single insect pest; and

WHEREAS, We are confident from our recent experiences that a thorough quarantine during all the past of our horticultural history would have saved to our State a large part of this vast expenditure, as many of the pests now working havoc would not have gained admittance; and

WHEREAS, It is generally conceded that our California quarantine, the best in the country, has saved millions of dollars to other states as well as our own, and so is national in its scope, and should be national in its origin and authority; and

WHEREAS, It is imperative that persons and baggage be searched as well as fruits, plants, or seeds, etc., and this can only be done by consent of the Government, authorized by Congress; and

WHEREAS, We search persons and their effects when we suspect that they carry smuggled diamonds or other illicit valuables, and our fruit interests are of far more value and importance than are diamonds or other precious stones; and

WHEREAS, Insects carried by plants, especially such insects as the gypsy and brown-tail moths and the dreaded Mediterranean fruit fly, if transported across the country from port of entry, as from New York to California, or San Francisco to New England, are liable to escape in transit and thus may work irreparable damage; and

WHEREAS, It is imperative to the success of our agricultural interests that strict quarantine be established and rigidly enforced against any region harboring insect pests; and

WHEREAS, It is of exceeding importance to our agricultural interests to establish quarantine and to quarantine at such points as Nogales and El Paso, and also to search baggage and even persons, which can only be done by national permission and authority; therefore, be it

Resolved by the Senate and Assembly, jointly, That we respectfully urge Congress of the United States to pass the Simmons quarantine bill, now before Congress, and to include in such bill a passage making the port of entry and not the point of destination the place of inspection and decision, and also a provision permitting a strict quarantine against any district of the United States or any foreign country where insect pests that threaten the safety and welfare of our agricultural interests are known to exist; and it is further

Resolved, That our Senators be instructed and our Representatives in Congress requested to use all honorable means to secure the passage of the Simmons bill, with the two provisions designated above included in the bill; and it is further

Resolved, That the Governor of California be and is hereby directed to transmit a certified copy of these resolutions to the President and the Speaker, respectively, of the Senate and House of Representatives of the Congress of the United States, and to each of our Senators and Representatives in Congress.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 10 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt,

Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—34.
NOES—None.

Senate joint resolution ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Wolfe was, on his own motion, granted leave of absence for this afternoon.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Birdsall asked for, and was granted, unanimous consent to take up Senate Bill No. 20 for consideration out of order, for the purpose of amendment.

Senate Bill No. 20—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by Congress to the State of California for the benefit of the public schools, and internal improvements, authorizing the conveyance of land by officers of the State for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions hereof.

During second reading of the bill, the following amendments were submitted by committee:

On page 3, Section 4, strike out all of Section 4, and insert in lieu thereof the following: "The Surveyor General of the State of California is hereby authorized and empowered to locate and select in the United States land offices, for the benefit of persons having certificates of purchase or patents from the State, lands in sections 16 and 36 which, under the provisions of the Act of Congress, approved March 1, 1877, and commonly known as the 'Booth Act,' are claimed to be the property of the United States, but which said lands have been heretofore sold or encumbered by the State. The said lands hereby authorized to be selected are lands which have been heretofore used or designated by the State of California, as bases for indemnity selections, and for which the State of California received indemnity, but which said lands in said Sections 16 and 36 the said State also sold or encumbered. For the purpose of making the selections hereby authorized to be made the said Surveyor General is hereby authorized and empowered to use and designate any bases or lands mentioned in Section 3406a of the Political Code of the State of California, or any other bases, which may be proper or valid in making indemnity selections."

Amendment adopted.

Also:

On page 4, Section 6, line 1, strike out the words "forty thousand (40,000)" and insert in lieu thereof the following: "twenty-five thousand (25,000)".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 1, with amendments pending, the same was taken up for consideration.

Assembly Bill No. 1—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and

employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act.

SPECIAL ORDER VACATED.

Senator Boynton moved that the special order, being the consideration of the point of order raised by Senator Wolfe, the amendments to Assembly Constitutional Amendment No. 3 offered by Senator Curtin, and the further consideration of Assembly Constitutional Amendment No. 3 heretofore set for Friday, December 15, 1911, at two o'clock and thirty minutes P. M., be vacated; and the same be reset and made a special order for Friday, December 15, 1911, at ten o'clock A. M.

Motion carried.

SPECIAL ORDER SET.

Senator Wright moved that the further consideration of Assembly Bill No. 1—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act, with amendments pending—be made a special order for Friday, December 15, 1911, immediately after the special order heretofore set.

Motion carried.

ADJOURNMENT.

At three o'clock and fifty minutes P. M., on motion of Senator Bell, the Acting President declared the Senate adjourned until Friday, December 15, 1911.

IN SENATE.

SENATE CHAMBER.

Friday, December 15, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wright—39.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, December 14, 1911, the further reading was dispensed with, on motion of Senator Rush.

LEAVES OF ABSENCE.

Senator Hans was, on motion of Senator Hare, granted leave of absence until Monday, December 18, 1911.

Senator Wolfe was, on motion of Senator Wright, granted leave of absence for this day.

Senator Tyrrell was, on his own motion, granted leave of absence until Monday, December 18, 1911.

Senator Rush was, on motion of Senator Wright, granted leave of absence until Monday, December 18, 1911.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 14, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 37—An Act to amend Section 3494 of the Political Code of the State of California, relating to the sale of school lands.

And: Senate Bill No. 47—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Also: Senate Joint Resolution No. 6—Relative to a canal constructed from the San Joaquin River, near Pollasky, in Fresno County, to a point in San Joaquin County, near Stockton.

And: Senate Joint Resolution No. 10—Relating to the Simmons national quarantine Act, now before Congress.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 37 and 47 ordered on file for third reading.

Senate Joint Resolutions Nos. 6 and 10 ordered transmitted to the Assembly.

RESOLUTION.

The following resolution was introduced:
By the Committee on Contingent Expenses.

Resolved, That the Controller of the State of California be and he is hereby directed to draw his separate warrants in favor of the Sergeant-at-Arms of the Senate in payment of the amounts set opposite the respective names set out herein below, amounting in all to the sum of \$124.43, as per vouchers or statements filed herewith, and being as follows:

John Breuner Co., Sacramento-----	\$109 43
R. M. Richardson, Postmaster-----	1 00
Wahl Stationery Co., Sacramento-----	14 00

And the Treasurer is directed to pay the same.

BURNETT, Chairman.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cassidy, Cutten, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Tyrrell, Walker, Welch, and Wright—29.

NOES—None.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 3, the same was taken up for consideration.

Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books.

REPORT OF STANDING COMMITTEE.

The following report of Committee on Judiciary, in relation to the point of order raised by Senator Wolfe on the amendments to Assembly Constitutional Amendment No. 3, submitted by Senator Curtin, was received and read:

SENATE CHAMBER, SACRAMENTO, December 15, 1911.

MR. PRESIDENT: We, the undersigned members of the Committee on Judiciary, hereby respectfully recommend that the point of order made by Senator Wolfe, as to the adoption of the amendment to Assembly Constitutional Amendment No. 3, as proposed by Senator Curtin, is not well taken.

CURTIN.
CAMINETTI.
SHANAHAN.
ESTUDILLO.
TYRRELL.
GATES.
LARKINS.

We dissent from the opinion of the majority. The subject named in the call is free text-books and not boards of education.

WRIGHT.
BOYNTON.

SPECIAL ORDER SET.

Senator Shanahan moved that the further consideration of Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of text-books—

the amendments offered by Senator Curtin, and the point of order raised by Senator Wolfe—be made a special order for Saturday, December 16, 1911, at ten o'clock and thirty minutes A. M.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 1, with amendments pending, the same was taken up for consideration.

Assembly Bill No. 1—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities; and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act.

Amendments by Senator Wright pending.

SUSPENSION OF RULES.

Senator Juilliard moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion carried.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At eleven o'clock and thirty-five minutes A. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SENATOR BELL IN THE CHAIR.

At eleven o'clock and forty-five minutes A. M., Senator Bell, of the Thirty-sixth District, in the chair.

POINT OF ORDER.

Senator Wright raised the point of order that there was "no quorum" of the Senate present.

CALL OF THE SENATE.

Senator Stetson moved a call of the Senate.

Motion carried.

Time, eleven o'clock and forty-seven minutes A. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Birdsall, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Gates, Holohan, Hurd, Juilliard, Larkins, Martinelli, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, and Wright—26.

ANNOUNCEMENT.

The acting President announced that a quorum of the Senate was present.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and fifty minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wright.

SPECIAL ORDER POSTPONED.

Senator Burnett moved that further consideration of Assembly Bill No. 1—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the Railroad Commission Fund and appropriating the moneys therein to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act—with amendments pending—be continued until Friday, December 15, 1911, at two o'clock P. M.

Motion carried.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Boynton, the hour of recess was extended fifteen minutes.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At twelve o'clock and thirty-one minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, December 15, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Concurrent Resolution No. 3 Relative to the teaching of patriotism in the public schools of California have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

STROBRIDGE, Chairman.

Senate Concurrent Resolution No. 3 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, December 15, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 48—An Act regulating and limiting the appropriation of water and the use of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water or the use of water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for water or the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for longer period than forty years; limiting the right to water or the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood water for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water or the use of water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for water or the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state water commission; providing the powers and duties of said water commission and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said water commission; providing for the appointment and compensation of employees and assistants to said water commission; limiting the expenses of said water commission and providing for the payment thereof; making an appropriation to carry out the provisions of this Act; fixing the place of business of said water commission; declaring the diversion of water or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated, and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control; providing the power and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity or electrical or other power otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act," approved April 8th, 1911—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

CUTTEN, Chairman.

Senate Bill No. 48 ordered on file for third reading.

ON EXECUTIVE COMMUNICATIONS.

SENATE CHAMBER, SACRAMENTO, December 15, 1911.

MR. PRESIDENT: Your Committee on Executive Communications, to whom was referred the following resolution by Senator Wright:

WHEREAS, Owing to certain reported and alleged irregularities in the office of State Printer, W. W. Shannon tendered his resignation to the Governor of this State and the same has been accepted; and

WHEREAS, The irregularities with which the State Printer was charged consisted in such official acts as of necessity involve persons, associations, firms or corporations as accessory to such wrongdoing, and the resignation of W. W. Shannon, and the acceptance of the same, prevented the publicity of the wrongful act or acts which resulted in said resignation and the suppression of the names of persons, associations, firms or corporations which were involved in and who profited by the alleged wrongful acts of the State Printer; and

WHEREAS, The public is entitled to know the facts relating to any malfeasance in public office in order that all culpable persons may receive such public censure, condemnation or prosecution as the facts warrant; and

WHEREAS, The Governor of the State of California is exclusively in possession of the facts; now, therefore, be it

Resolved, That the Senate of the State of California hereby respectfully requests the Governor of the State to submit to the Senate all data, including all correspondence and letters secured by him, relating to the alleged wrongful acts of the State Printer, together with the names of all persons, associations, firms or corporations implicated or connected with the same.

I have had the same under consideration, and respectfully report the same back and recommend that it be not adopted.

AVEY, Chairman.

Resolution offered by Senator Wright, relative to requesting the Governor of the State to submit to the Senate all data, including all correspondence and letters secured by him, relating to the alleged wrongful acts of the State Printer, together with the names of all persons, associations, firms or corporations implicated or connected with the same, ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Burnett: Senate Bill No. 53—An Act to make an appropriation for the contingent expenses of the Senate for the session of the thirty-ninth (extra) session of the Legislature of the State of California during the sixty-third fiscal year.

Bill read first time, and referred to Committee on Finance.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Bell, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 15—An Act to amend Section 1855a of the Code of Civil Procedure, relative to the introduction of abstracts of title in evidence.

Also: Assembly Bill No. 17—An Act to amend an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county: providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements: providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Also: Assembly Bill No. 65—An Act to amend Sections 1, 3, 5, 7, 10, 12, 13, 22, 23, 24 of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled 'An Act to provide for and regulate primary elections, and providing the method

whereby electors of political parties may express their choice at such primary election for United States Senators," approved March 24, 1909, said Act being otherwise designated as the direct primary law," approved April 7, 1911.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARTIN, Assistant Clerk.

Assembly Bills Nos. 15, 17 and 65 read first time.

Assembly Bill No. 17 ordered referred to Committee on Roads and Highways.

Assembly Bill No. 65 ordered referred to Committee on Elections and Election Laws.

MOTION.

Senator Martinelli announced that Assembly Bill No. 15 is identical with Senate Bill No. 8, and moved that Assembly Bill No. 15 and Senate Bill No. 8 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 15 and Senate Bill No. 8 ordered referred to Committee on Engrossment and Enrollment.

QUESTION OF PERSONAL PRIVILEGE.

Senator Stetson announced that he desired to be recorded as concurring in the minority report of the Committee on Judiciary received this morning, and asked for, and was granted, unanimous consent that the following statement be printed in the Journal:

MR. PRESIDENT: I desire to be recorded as concurring in the minority report of the Committee on Judiciary on the constitutionality of the proposed amendment of Senator Curtin to Assembly Constitutional Amendment No. 3.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Caminetti: Senate Joint Resolution No. 13—Relative to memorializing the Congress of the United States for favorable consideration of the report of the California Débris Commission, as the same has been transmitted by the Secretary of War to Congress.

Senate joint resolution ordered referred to Committee on Federal Relations.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Cutten asked for, and was granted, unanimous consent to take up for consideration out of order all bills on second-reading file.

Senate Bill No. 50—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 48—An Act regulating and limiting the appropriation of water and the use of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water or the use of water for generating electricity or electrical or other power may be appropriated

and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for water or the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than forty years; limiting the right to water or the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity, or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water or the use of water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for water or the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor, creating and establishing a state water commission; providing the powers and duties of said water commission and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said water commission; providing for the appointment and compensation of employees and assistants to said water commission; limiting the expenses of said water commission and providing for the payment thereof; making an appropriation to carry out the provisions of this Act; fixing the place of business of said water commission; declaring the diversion of water or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water

appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control; providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act," approved April 8, 1911.

During second reading of the bill, the following amendments were submitted by committee:

On page 3, Section 1, line 3 of the printed bill, strike out the word "forty" and insert in lieu thereof the word "fifty".

Amendment adopted.

Also:

On page 12, line 1, being line 9 of Section 27 of the printed bill, insert after the word "offices," the following: "in the said city of Sacramento,".

Amendment adopted.

Also:

On page 10, Section 20, line 2, strike out the word "water"

Amendment adopted.

Also:

On page 10, Section 20, line 3, strike out after the word "established" the period and insert in lieu thereof "to be known as the State Water Commission."

Amendment adopted.

Also:

Amend line 13 of the title by striking out the word "forty" and inserting in lieu thereof "fifty".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RECESS.

At twelve o'clock and forty-five minutes P. M., on motion of Senator Bell, the President pro tem, declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

SPECIAL ORDER POSTPONED.

Senator Thompson moved that the special order heretofore set for this hour, being the consideration of Assembly Bill No. 1—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending Section 15 thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act, with amendments pending—be postponed until Friday, December 15, 1911, at two o'clock and fifteen minutes P. M.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 15, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bill:

Senate Bill No. 27—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four, of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891; and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act—and report that the same has been correctly engrossed.

AVEY, Acting Chairman.

Senate Bill No. 27 ordered on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Thompson asked for, and was granted, unanimous consent to take up Senate Bill No. 27 for consideration out of order.

Senate Bill No. 27—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four, of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891; and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 27 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Sanford, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wright—33.

NOES—Senators Bills, Hare, Larkins, and Shanahan—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Cutten moved to recall Senate Bill No. 48—An Act regulating and limiting the appropriation of water and the use of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water or the use of water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for water or the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for longer period than forty years; limiting the right to water or the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood water for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water or the use of water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for water or the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity, or electrical or other power and providing a penalty therefor; creating and establishing a state water commission; providing the powers and duties of said water commission and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said water commission; providing for the appointment and compensation of employees and assistants to said water commission; limiting the expenses of said water commission and providing for the payment thereof; making an appropriation to carry out the provisions of this Act; fixing the place of business of said water commission; declaring the diversion of water or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure

upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control; providing the power and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act," approved April 8th, 1911— from enrollment and print, for the purpose of further amendment.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 1, the same was taken up for consideration.

Assembly Bill No. 1—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the

Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act.

Amendments pending.

LEAVES OF ABSENCE.

Senator Lewis was, on motion of Senator Shanahan, granted leave of absence until Monday, December 18, 1911.

SENATOR GATES IN THE CHAIR.

At three o'clock and thirty minutes P. M., Senator Gates of the Thirty-fourth District, in the chair.

SENATOR ROSEBERRY IN THE CHAIR.

At four o'clock and forty minutes P. M., Senator Roseberry, of the Thirty-eighth District, in the chair.

CONSIDERATION OF SPECIAL ORDER—(CONTINUED).

Assembly Bill No. 1—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act.

The question being on the adoption of the following amendment, offered by Senator Wright:

Strike out paragraph "d," Section 52, page 42, and insert the following in lieu thereof:

"(d). All stocks, and any stock certificate, and every bond, note or other evidence of indebtedness of a public utility, issued without an order of the commission authorizing the same shall be void. All stocks and every stock certificate, and every bond, note or other evidence of indebtedness of a public utility, issued in accordance with the order of authorization of the commission and conforming to the provisions of such order, shall be valid."

The roll call was demanded by Senators Wright, Curtin, and Stetson.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Beban, Bills, Cassidy, Curtin, Finn, Hare, Hurd, Juilliard, Martinielli, Regan, Welch, and Wright—12.

NOES—Senators Avey, Bell, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cutten, Gates, Hewitt, Holohan, Larkins, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, and Walker—22.

WITHDRAWAL OF AMENDMENTS.

Senator Wright asked for, and was granted, unanimous consent to withdraw the following amendments offered to Assembly Bill No. 1:

Strike out paragraph "k", Section 52, page 43, and insert the following in lieu thereof:

"(k) If any public utility shall have, prior to the time this Act becomes operative, authorized the issuance of bonds which have been in whole or in part issued, or pledged, or become subject to contract of sale, this Act shall not apply."

Also: On page 52, after the period following the word and figures "Sec. 64," strike out all of said section and insert in lieu thereof the following:

"The commission may at any time, upon notice to the public utility affected, and after opportunity to be heard as provided in the case of complaints, rescind, alter or amend any order or decision made by it, excepting orders made by it pursuant to the provisions of section fifty-two of this Act authorizing the issue of stocks, stock certificates, bonds, notes and other evidences of indebtedness. Any order rescinding, altering or amending a prior order or decision shall, when served upon the public utility affected, have the same effect as herein provided for original orders or decisions."

The question being on the adoption of the following amendment to Assembly Bill No. 1, offered by Senator Curtin:

Strike out paragraph "k", Section 52, page 43, and insert the following in lieu thereof:

"(k) If any public utility shall have, prior to the time this Act becomes operative, authorized the issuance of bonds which have been in whole or in part issued, or pledged, or become subject to contract of sale, this Act shall not apply."

Amendment refused adoption.

The question being on the adoption of the following amendment to Assembly Bill No. 1 offered by Senator Cartwright:

Add to Section 21, after the word "Act", in line 20, the following:

"Other than contracts for fixed periods of time not exceeding five years, which have been previously approved by the commission."

Amendment refused adoption.

Bill read second time, and on file for third reading.

CONSIDERATION OF BILL. (OUT OF ORDER).

Senator Cullen asked for, and was granted, unanimous consent to take up Senate Bill No. 48 for consideration out of order, for the purpose of amendment.

Senate Bill No. 48—An Act regulating and limiting the appropriation of water and the use of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water or the use of water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for water or the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for longer period than forty years; limiting the right to water or the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood water for generating electricity, or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which

electricity or electrical or other power generated by water or the use of water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for water or the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity, or electrical or other power and providing a penalty therefor; creating and establishing a state water commission; providing the powers and duties of said water commission and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said water commission; providing for the appointment and compensation of employees and assistants to said water commission; limiting the expenses of said water commission and providing for the payment thereof; making an appropriation to carry out the provisions of this Act; fixing the place of business of said water commission; declaring the diversion of water or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity, or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity, or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control; providing the power and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and

providing for the payment thereof; fixing the place of business of said board of control; declaring the diversion or use of water for generating electricity or electrical or other power otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act." approved April 8th, 1911.

The following amendments were submitted by committee:

On page 7, Section 12, line 7, strike out the word "forty" and insert in lieu thereof the word "fifty".

Also: On page 8, Section 13, line 10, strike out the word "forty" and insert in lieu thereof the word "fifty".

Also: On page 8, Section 15, line 11, strike out the word "forty" and insert in lieu thereof the following: "fifty".

Amendments adopted.

Bill read second time, ordered to print, engrossment, and third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, December 15, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 44—An Act to provide for submitting to the qualified electors of every city and county, incorporated city or town in this State the question whether such city and county, or incorporated city or town shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the voters of any such city and county or incorporated city or town shall have voted to retain such powers or to reinvest such city and county or incorporated city or town, with such powers, in case the voters thereof have voted to surrender such powers, have had the same under consideration, and respectfully report the same back with amendments and recommend that the same do pass as amended.

ROSEBERRY, Chairman.

Senate Bill No. 44 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, December 14, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 46—An Act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

STETSON, Chairman.

Senate Bill No. 46 ordered on file for second reading.

LEAVES OF ABSENCE.

Senator Stetson was, on his own motion, granted leave of absence for Saturday, December 17, 1911.

Senator Martinelli was, on his own motion, granted leave of absence for Saturday, December 17, 1911.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hewitt asked for, and was granted, unanimous consent to take up Senate Bill No. 44 for consideration out of order, for the purpose of amendment.

Senate Bill No. 44—An Act to provide for submitting to the qualified electors of every city and county, incorporated city or town in this State the question whether such city and county, or incorporated city or town shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the voters of any such city and county or incorporated city or town shall have voted to retain such powers or to reinvest such city and county or incorporated city or town, with such powers, in case the voters thereof have voted to surrender such powers.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, line 3 of the title of the printed bill, insert the word "or" after the comma following the word "county".

Amendment adopted.

Also:

On page 1, line 3 of the title of the printed bill, insert a comma after the word "town".

Amendment adopted.

Also:

On page 1, line 5 of the title of the printed bill, insert a comma after the word "town".

Amendment adopted.

Also:

On page 1, line 8 of the title of the printed bill, strike out the word "voters" and insert in lieu thereof the following: "qualified electors".

Amendment adopted.

Also:

On page 1, line 8 of the title of the printed bill, insert a comma after the word "county".

Amendment adopted.

Also:

On page 1, line 9 of the title of the printed bill, insert a comma after the word "town".

Amendment adopted.

Also:

On page 1, line 10 of the title of the printed bill, insert a comma after the word "county".

Amendment adopted.

Also:

On page 1, line 11 of the title of the printed bill, strike out the word "voters" and insert in lieu thereof the following: "qualified electors".

Amendment adopted.

Also:

On page 1, Section 1, line 3 of the printed bill, strike out all of the line to and including the comma after the word "classes" and insert in lieu thereof the following: "ing any one or more classes".

Amendment adopted.

Also:

On page 1, Section 1, line 5 of the printed bill, insert a comma after the word "California".

Amendment adopted.

Also:

On page 1, Section 1, line 7 of the printed bill, strike out the words "by vote".

Amendment adopted.

Also:

Strike out all of the printed bill after Section 1 thereof, and insert in lieu thereof the following:

Sec. 2. The term "municipal corporation," as used in this Act, shall be construed to mean a city and county, or an incorporated city or town. The term "legislative body," as used in this Act, shall be construed to mean the board of supervisors, municipal council, commission or other legislative or governing body of a municipal corporation.

Sec. 3. The terms "railroad corporation," "street railroad corporation," "common carrier," "gas corporation," "electrical corporation," "water corporation," "telephone corporation," "telegraph corporation," "wharfinger," "warehouseman" and "public utility," as used in this Act, shall severally have the same meaning as is given to them, respectively, in Section 2 of the Act known as the "Public Utilities Act."

Sec. 4. The question whether any municipal corporation shall retain its powers of control respecting one or more classes of public utilities may be submitted to the qualified electors of such municipal corporation at a general municipal election or at a special election held therein in pursuance of an ordinance of intention adopted by the vote of three fifths of all the members of the legislative body of such municipal corporation, declaring that the public interest requires the holding of such election, and declaring the intention of such legislative body to so submit such question, or in pursuance of a petition of qualified electors of such municipal corporation, as hereinafter provided. Such ordinance of intention or such petition, as the case may be, shall contain the propositions proposed to be so submitted, as set forth in Section 6 of this Act. Such petition shall be signed by qualified electors of such municipal corporation, equal in number to ten per centum of such qualified electors, computed upon the total number of votes cast in such municipal corporation for all candidates for governor at the last preceding general election prior to the filing of such petition at which a governor was elected. Such petition may consist of separate papers; *provided*, that if any paper consists of more than one sheet, it shall be securely fastened together at the top. The signatures need not all be appended to one sheet or paper. Each such paper shall have attached thereto, at the bottom of the last sheet thereof, the affidavit of a qualified elector of such municipal corporation, stating that all of the signatures on each sheet thereof were made in his presence, and that to the best of his knowledge and belief each signature is the genuine signature of the person whose name purports to be thereto subscribed. Such petition shall be filed with the clerk of the legislative body of such municipal corporation. Within ten days from the date of the filing of such petition, said clerk shall examine the petition and ascertain from the record of the registration of the electors of the city and county, or of the county in which such municipal corporation is situated, whether the petition is signed by the requisite number of the qualified electors of such municipal corporation; and if requested by said clerk, the said legislative body of said municipal corporation shall authorize him to employ persons specially to assist him in the work of examining such petition and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result of such examination. If from such examination, said clerk shall find that said petition is signed by the requisite number of qualified electors, he shall certify that the same is sufficient; but if from such examination, he shall find that said petition is not signed by such requisite number of qualified electors, he shall certify to the number of qualified electors signing such petition and to the number of qualified electors required to make such petition sufficient. If by the certificate of said clerk the petition is shown to be insufficient, it may be amended by filing a supplemental petition within ten days from the date of such certificate. Said clerk shall, within ten days from the filing of such supplemental petition, make like examination of the same and certify to the result of such examination as hereinbefore provided. If the certificate of the clerk shall show any such petition, or any such petition together with a supplemental petition, to be insufficient, it shall be retained by him and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the clerk, such petition, or such petition together with a supplemental petition, is shown to be sufficient, the clerk shall forthwith present the same to the legislative body of such municipal corporation. The sufficiency or insufficiency of such petition shall not be subject to review by such legislative body. After the election held in pursuance of such petition, the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned. In any city and county having a board of election commissioners and a registrar of voters, the clerk of the legislative body thereof shall immediately upon the filing of any petition with him, transmit the same to such board of election commis-

sioners, who shall forthwith deliver such petition to said registrar of voters, who shall perform all the duties herein required to be performed in other municipal corporations by the clerk of the legislative body thereof, respecting the examination and certification of such petition. Such registrar of voters shall, upon making his certificate, forthwith return said petition to said clerk, who shall thereupon present such petition and the certificate thereto attached to the legislative body of such municipal corporation as hereinbefore in this section provided.

SEC. 5. Upon the adoption of such ordinance of intention, or the presentation as aforesaid of such petition, the legislative body of such municipal corporation shall, by ordinance, order the holding of a special election for the purpose of submitting to the qualified electors of such municipal corporation the propositions set forth in such ordinance of intention or in such petition, which propositions shall be those set forth in Section 6 of this Act. Such special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance of intention provided for in Section 4 of this Act, or the presentation of such petition to said legislative body; *provided*, that if a general municipal election shall occur in said municipal corporation not less than twenty days nor more than sixty days after the adoption of said ordinance of intention or the presentation of said petition to said legislative body, said propositions may be submitted at such general municipal election, in the same manner as other propositions are required by law to be submitted at general municipal elections in such municipal corporation. Every special election held in any municipal corporation under the provisions of this Act, shall be called by the legislative body thereof, by ordinance, which shall specify the propositions to be submitted at such election and the date thereof, and, where provision is not otherwise made by law, shall establish the election precincts therefor and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance shall, prior to such election, be published five times in a daily newspaper printed and published in such municipal corporation, or twice in a weekly newspaper printed and published therein, if there be no such daily newspaper; *provided*, that if no such daily or weekly newspaper be printed and published in such municipal corporation, the clerk of said legislative body shall post a copy of said ordinance in three public places in such municipal corporation at least ten days prior to such election. The propositions submitted under this section at any general municipal election or at any special election shall be the same as those set forth in Section 6 of this Act.

SEC. 6. The ballots to be used at any general municipal election or at any special election at which is submitted the question whether a municipal corporation shall retain its powers of control respecting public utilities shall have printed thereon, in addition to the other matters required by law, the following propositions:

"Proposition No. 1. Shall _____ (name of municipal corporation) retain its powers of control over railroad corporations?"

"Proposition No. 2. Shall _____ (name of municipal corporation) retain its powers of control over street railroad corporations?"

"Proposition No. 3. Shall _____ (name of municipal corporation) retain its powers of control over common carriers other than railroad and street railroad corporations?"

"Proposition No. 4. Shall _____ (name of municipal corporation) retain its powers of control over gas corporations?"

"Proposition No. 5. Shall _____ (name of municipal corporation) retain its powers of control over electrical corporations?"

"Proposition No. 6. Shall _____ (name of municipal corporation) retain its powers of control over telephone corporations?"

"Proposition No. 7. Shall _____ (name of municipal corporation) retain its powers of control over telegraph corporations?"

"Proposition No. 8. Shall _____ (name of municipal corporation) retain its powers of control over water corporations?"

"Proposition No. 9. Shall _____ (name of municipal corporation) retain its powers of control over wharfmasters?"

"Proposition No. 10. Shall _____ (name of municipal corporation) retain its powers of control over warehousemen?"

Opposite each such proposition to be voted upon, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. Any voter desiring to vote in favor of the retention of the powers of control of such municipal corporation respecting any particular class of public utility, shall stamp a cross (X) in the voting square after the printed word "Yes" opposite the proposition as to such class, and any voter desiring to vote against the retention of such powers of such municipal corporation respecting any particular class of public utility, shall stamp a cross (X) in the voting square after the printed word "No" opposite such proposition.

SEC. 7. If the propositions specified in Section 6 of this Act shall have been submitted at a special election in any municipal corporation, then the legislative body or other body or board charged with the duty of canvassing the returns and declaring the result of elections in such municipal corporation, shall meet at their usual place of meeting on the first Monday after such election to canvass the returns and declare the result thereof. Immediately upon the completion of such canvass,

or upon the completion of the canvass of the returns of any general municipal election at which such propositions shall have been submitted, such legislative body or other body or board charged with said duty shall make an order declaring the result of the election upon such propositions and shall cause the same to be entered upon its minutes, which order shall show the total number of votes cast upon each such proposition, and the number of votes cast respectively in favor of and against each such proposition. If it shall appear from the result of such election, as so declared, that a majority of the qualified electors of such municipal corporation voting on any proposition submitted, as provided in Section 5 of this Act, shall have voted to retain the powers of control of such municipal corporation respecting any particular class of public utility, such municipal corporation shall be deemed to have elected to retain such powers of control respecting such class of public utility, and such powers shall be exercised by such municipal corporation until the same may be surrendered as hereinafter provided; and if it shall appear from the result of such election, as so declared, that a majority of such qualified electors so voting on any such proposition shall have voted not to retain such powers respecting any class of public utility, such municipal corporation shall be deemed to have elected not to retain such powers of control respecting such class of public utility, and such powers of control shall thereafter vest in and be exercised by the Railroad Commission as provided by law. Immediately upon the entry of the order declaring the result of the election as to such proposition, the clerk of the legislative body or the registrar of voters in any municipal corporation having a board of election commissioners and a registrar of voters, shall make copies, in duplicate, of such order, and shall attach to each such copy his certificate under the seal, if any, of such municipal corporation, or of such board of election commissioners, certifying that the same is a true and correct copy of such order. Said clerk or registrar of voters, as the case may be, shall forthwith file one of said copies in the office of the Railroad Commission of the State of California and the other in the office of the Secretary of State. Immediately upon the filing of such certified copy of such order in the office of the Railroad Commission, the powers of control theretofore vested in such municipal corporation over any class or classes of public utilities which a majority of the qualified electors of such municipal corporation voting thereof shall have voted not to retain, as shown by such order, shall thereupon vest in and be exercised by the Railroad Commission, until such municipal corporation shall reinvest itself with such powers of control as hereinafter provided.

SEC. 8. Any municipal corporation which shall have voted to retain the powers of control vested therein respecting any class or classes of public utilities, or which may have reinvested itself with such power, as hereinafter provided, may thereafter surrender its powers of control as to such class or classes of public utilities at a general municipal election or a special election therein, called for that purpose. The ballots to be used at such election shall have printed thereon, in addition to the other matters required by law, separate propositions as to each of the classes of public utilities as to which such municipal corporation may theretofore have voted to retain its powers of control or with which it may have reinvested itself. As to each of such classes of public utilities, and in addition to the other matters required by law to be printed thereon, a proposition shall be printed on the ballot to be used at such election in substantially the following form: "Shall ----- (name of municipal corporation) surrender its powers of control over ----- (here insert class of public utility) to the railroad commission?" Opposite such proposition to be voted upon, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. Any elector desiring to vote to surrender the powers of control of such municipal corporation over any class of public utility specified on the ballot, shall stamp a cross (X) in the voting square opposite the printed word "Yes" after the proposition as to such class; and any elector desiring to vote not to surrender the powers of control of such municipal corporation over such class of public utility, shall stamp a cross (X) in the voting square opposite the printed word "No" after the proposition as to such class. The provisions of Sections 4, 5 and 7 of this Act, in so far as applicable, shall govern elections called, conducted and held under the provisions of this section and to general municipal elections at which such propositions shall be submitted. If it shall appear from the result of such election, declared as provided in Section 7 of this Act, that a majority of the qualified electors of such municipal corporation voting on any proposition submitted as provided in this section, shall have voted to surrender the powers of control of such municipal corporation respecting any particular class of public utility, such municipal corporation shall be deemed to have surrendered its powers of control as to such class of public utility to the Railroad Commission, and such powers shall thereafter vest in and be exercised by the Railroad Commission, as provided by law, upon the filing, in the office of the Railroad Commission, of a certified copy of the order declaring the result of such election until such municipal corporation shall reinvest itself with such powers as hereinafter provided; and if it shall appear from the result of such election, as declared, that a majority of such qualified electors voting on any such proposition shall have voted not to surrender such powers of control respecting any particular class of public utility, such powers of control shall continue in such municipal corporation; *provided*, that such powers of control may thereafter be surrendered by such

municipal corporation at any subsequent election at which the question of such surrender may again be submitted under the provisions of this Act.

SEC. 9. Any municipal corporation that shall have surrendered to the Railroad Commission powers of control respecting any class of public utility may thereafter reinvest itself with such powers by a vote of the qualified electors thereof taken at a general municipal election or at a special election. The ballots to be used at such election shall have printed thereon, in addition to the other matters required by law, separate propositions as to each class of public utility designated in the petition for such election or in the ordinance of intention. As to each such class of public utility, a proposition shall be printed on the ballot in substantially the following form: "Shall ----- (name of municipal corporation) reinvest itself with powers of control over ----- (class of public utility)?" Opposite each such proposition to be voted upon and to the right thereof the words "Yes" and "No" shall be printed on separate lines, with voting squares. Any elector desiring to vote to reinvest such municipal corporation with powers of control respecting any class of public utility designated on the ballot shall stamp a cross (X) in the voting square after the printed word "Yes" opposite the proposition as to such class, and any elector desiring to vote not to reinvest such municipal corporation with powers respecting such class of public utility shall stamp a cross (X) in the voting square after the printed word "No" opposite such proposition. The provisions of Sections 4, 5 and 7 of this Act, in so far as applicable, shall apply to elections called, conducted and held under the provisions of this section and to general municipal elections at which such propositions shall be submitted. If it shall appear from the result of such election, declared as provided in said Section 7 that a majority of the qualified electors of such municipal corporation voting on any proposition submitted as provided in this section shall have voted to reinvest such municipal corporation with powers of control respecting any particular class of public utility, such municipal corporation shall be deemed to have reinvested itself with such powers, and upon the filing in the office of the Railroad Commission of a certified copy of the order declaring the result of such election, the powers of control with which such municipal corporation shall have voted to reinvest itself, as shown by such order, shall cease to be exercised by the Railroad Commission, and shall vest in and be exercised by such municipal corporation; and if it shall appear from the result of such election, as declared, that a majority of the qualified electors of such municipal corporation voting on any such proposition, as provided in this section, shall have voted not to reinvest such municipal corporation with powers of control respecting any particular class of public utility, such powers of control shall continue in and be exercised by the Railroad Commission; *provided*, that such municipal corporation may thereafter reinvest itself with such powers of control at any subsequent election at which such question may be again so submitted under the provisions of this Act.

SEC. 10. The holding of a special election or elections, or the submission of propositions at any general municipal election, under any of the provisions of this Act, shall not be construed to preclude the holding of a subsequent special election or elections or the subsequent submission of propositions at a general municipal election or elections, on the question of the retention, surrender or reinvestment by a municipal corporation of its powers of control respecting any class or classes of public utilities, as in this Act provided; *provided*, that not more than one such special election shall be held within any period of twelve months.

SEC. 11. Except as otherwise in this Act provided, the holding and conducting of elections under the provisions of this Act, the form of the ballots used, the opening and closing of the polls, the canvass of the returns and the declaring of the result shall conform, as nearly as may be, to such laws as shall now or hereafter be applicable to special municipal elections held in the municipal corporations affected

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Caminetti asked for, and was granted, unanimous consent to take up Senate Bill No. 46 for consideration out of order, for the purpose of amendment.

Senate Bill No. 46—An Act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights, or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 2, line 1, after the first word "county", insert the following: "or city and county,".

Amendment adopted.

Also:

On page 1, Section 2, line 1, at the end of the line, add the following: "or city and county,".

Amendment adopted.

Also:

On page 2, Section 3, lines 6 and 7, strike out the words "registered voters voting" and insert in lieu thereof the following: "votes cast".

Amendment adopted.

Also:

On page 3, Section 3, line 50, strike out the word "said" and insert in lieu thereof the following: "such".

Amendment adopted.

Also:

On page 4, Section 4, line 30, strike out the word "municipal" and insert in lieu thereof the following: "county".

Amendment adopted.

Also:

On page 6, Section 5, Subsection 6, line 2, strike out the word "municipal" and insert in lieu thereof the following: "county".

Amendment adopted.

Also:

On page 6, Section 5, Subsection 6, line 3, strike out the words "or clerks".

Amendment adopted.

Also:

On page 6, Section 5, Subsection 6, line 5, strike out the word "municipal" and insert in lieu thereof the following: "county".

Amendment adopted.

Also:

On page 6, Section 5, Subsection 6, line 8, strike out the word "municipal" and insert in lieu thereof "county".

Amendment adopted.

Also:

On page 8, Section 5, Subsection 13, line 1, strike out the words "the clerks" and insert in lieu thereof the following: "the county clerk".

Amendment adopted.

Also:

On page 10, Section 5, Subsection 26, line 2, strike out all of line 2 and insert in lieu thereof the following: "a mayor, or by a board of supervisors shall be".

Amendment adopted.

Also:

On page 10, Section 5, Subsection 26, line 5, after the word "said" insert the word "county".

Amendment adopted.

Also:

On page 10, Section 5, Subsection 27, line 1, strike out the word "municipal" and insert in lieu thereof the following: "county".

Amendment adopted.

Also:

On page 11, Section 7, lines 3 and 4, strike out the words "or mayors".

Amendment adopted.

Also:

On page 11, Section 7, line 5, strike out the word "municipal" and insert in lieu thereof the following: "county".

Amendment adopted.

Also:

On page 11, Section 7, lines 7 and 8, strike out the words "with reference to municipal corporations" and insert in lieu thereof the following: "applicable to officers of counties".

Amendment adopted.

Also:

On page 12, Section 11, line 4, strike out the word "municipal" and insert in lieu thereof the following: "county".

Amendment adopted.

Also:

On page 12, Section 11, line 8, strike out the word "municipal" and insert in lieu thereof the following: "county".

Amendment adopted.

Also:

On page 13, Section 12, Subsection 5, line 2, after the word "reservoir", insert the following: "storage sites, water sheds,".

Amendment adopted.

Also:

On page 13, Section 12, Subsection 5, line 6, after the word "reservoir", insert the following: "storage sites, water sheds,".

Amendment adopted.

Also:

On page 13, Section 12, between Subsections 5 and 6, add a new subsection as follows: "5½. To store water for the benefit of the district."

Amendment adopted.

Also:

On page 13, Section 12, Subsection 7, line 6, after the word "reservoirs", insert the following: "storage sites, water sheds,".

Amendment adopted.

Also:

On page 13, Section 12, Subsection 7, line 8, after the word "corporation", strike out the period and add the following: ", *provided*, that property and water rights of municipal corporations shall not be subject to the provisions of this section".

Amendment adopted.

Also:

On page 14, Section 15, line 9, strike out the word "five" and insert in lieu thereof the following: "seven".

Amendment adopted.

Also:

On page 15, Section 17, line 1, after the word "district", add the following: "organized under the provisions of this Act".

Amendment adopted.

Also:

On page 16, Section 23, line 2, strike out the word "municipal" and insert in lieu thereof the following: "county".

Amendment adopted.

Also:

On page 16, Section 23, lines 4 and 5, strike out the words "in municipal corporations", and insert in lieu thereof the following: "applicable to counties".

Amendment adopted.

Also:

On page 17, Section 24, line 2, strike out the word "municipal" and insert in lieu thereof the following: "county".

Amendment adopted.

Also:

On page 17, Section 24, lines 4 and 5, strike out the words "in municipal corporations," and insert in lieu thereof the following: "by counties."

Amendment adopted.

Also:

On page 17, Section 25, line 2, after the word "any", insert the following: "county".

Amendment adopted.

Also:

On page 17, Section 25, line 19, strike out the word "municipal" and insert in lieu thereof the following: "county".

Amendment adopted.

Also:

On page 18, Section 26, line 10, after the word "districts," add the following: "The term 'county' shall be understood and construed to include 'city and county.'"

Amendment adopted.

Also:

On page 18, at the end of Section 26, add a new section as follows:

"Sec. 27. Whenever a registrar of voters in any county, or city and county, shall be appointed, or elected, under the provisions of law, or charter providing therefor, the duties imposed on the county clerk by the provisions of this Act shall be performed by the registrar of voters with like effect, and in such case all papers or documents required to be filed with the county clerk shall be filed with said registrar of voters when so appointed, or elected."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

ADJOURNMENT.

At five o'clock P. M., on motion of Senator Bell, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Saturday, December 16, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Thompson, Walker, Welch, and Wright—34.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, December 15, 1911, the further reading was dispensed with, on motion of Senator Rush.

LEAVES OF ABSENCE.

Senator Wolfe was, on motion of Senator Boynton, granted leave of absence for this day.

Senator Black was, on motion of Senator Walker, granted leave of absence for this day.

Senator Estudillo was, on his own motion, granted leave of absence for this day.

Senator Lewis was, on motion of Senator Shanahan, granted leave of absence for this day.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 62—An Act to amend Section 1094 of the Political Code, relating to registration of electors.

Also: Assembly Bill No. 56—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 56 and 62 read first time.

Assembly Bill No. 62 ordered referred to Committee on County Government.

MOTION.

Senator Hewitt announced that Assembly Bill No. 56 is identical with Senate Bill No. 40, and moved that Assembly Bill No. 56 and Senate Bill No. 40 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 56 and Senate Bill No. 40 ordered referred to Committee on Engrossment and Enrollment.

SUSPENSION OF RULES.

Senator Welch moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, December 16, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 12—Relative to arbitration peace treaties now pending before the Senate of the United States.

Also: Senate Joint Resolution No. 13—Relating to the California Debris Commission.

Also: Assembly Joint Resolution No. 3—Relating to the "Silloway Pension Bill." Have had the same under consideration, and respectfully recommend that they be adopted.

WRIGHT, Chairman.

Senate Joint Resolutions Nos. 12 and 13 ordered on file.

Assembly Joint Resolution No. 3 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, December 16, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of article four thereof, relating to senatorial and assembly districts, and repealing section twenty-seven of article four of said Constitution, relating to congressional districts and the formation thereof—have had the same under consideration, and respectfully report the same back and recommend that the same be adopted.

CURTIN, Vice-Chairman.

Senate Constitutional Amendment No. 7 ordered on file.

RESOLUTION.

The following resolution was introduced:

By Senator Roseberry:

Resolved, That Frank Storer be and he is hereby dropped from the list of attaches of the Senate, to take effect forthwith; and be it further

Resolved, That Mrs. D. Nepp be and she is hereby dropped from the list of attaches of the Senate, to take effect December 17, 1911.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Gates, Hewitt, Holahan, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Thompson, Walker, and Welch—23.

NOES—None.

SPECIAL ORDER SET.

Senator Walker moved that the consideration of Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six, article four thereof—be made a special order for Monday, December 18, 1911, at two o'clock p. m.

Motion carried.

WITHDRAWAL OF BILL.

Senator Avey asked for, and was granted, unanimous consent to withdraw Senate Bill No. 19—An Act to amend section four thousand

and twenty-three of the Political Code of the State of California, relating to eligibility to county, district, and township offices.

Senate Bill No. 19 withdrawn, and ordered stricken from the file.

CONSIDERATION OF DAILY FILE THIRD READING OF SENATE BILLS.

Senate Bill No. 17—An Act to amend section ten hundred and eighty-three of the Political Code of the State of California, relating to and defining qualified electors.

On motion of Senator Bell, Senate Bill No. 17 was temporarily passed on file, to retain its place.

Senate Bill No. 18—An Act to amend section seventeen of the Political Code of the State of California, relating to definitions of certain terms used in said Code.

On motion of Senator Avey, Senate Bill No. 18 was temporarily passed on file, to retain its place.

Senate Bill No. 15—An Act to amend section ten hundred ninety-six of the Political Code of the State of California.

On motion of Senator Bell, Senate Bill No. 15 was temporarily passed on file, to retain its place.

SENATE JOINT RESOLUTION No. 7.

Relative to establishment of dry docks on the bay of San Francisco or waters tributary thereto.

WHEREAS, By virtue of the increasing demands for deeper draught vessels in the United States navy, and in view of the early completion of the Panama Canal, certain to be followed by the maintenance on the Pacific coast of a large fleet, it is necessary for the United States to provide dry dock and other facilities that will meet the necessities of the new additions to our navy, when in the western waters of the republic;

Resolved, That the Federal Government be and is hereby most respectfully and earnestly requested to establish one of the proposed great naval dry docks on the bay of San Francisco or waters tributary thereto; be it further

Resolved, That our Senators in Congress be instructed, and our Representatives in Congress requested, to use their utmost efforts in securing the establishment and equipment of such great naval dry docks on the bay of San Francisco or waters tributary thereto; be it further

Resolved, That a duly certified copy of these resolutions be transmitted to the Senate and House of Representatives of the United States, and to each of our Senators and Representatives in Congress.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 7 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Curtin, Cullen, Estudillo, Finn, Gates, Holohan, Martinelli, Regan, Roseberry, Rush, Shanahan, Thompson, Walker, Welch, and Wright—23.

NOES—None.

Senate joint resolution ordered engrossed and transmitted to the Assembly.

Senate Bill No. 39—An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for conveyance of such water to the place of use."

Senate Bill No. 39 was temporarily passed on file, in the absence of the author, to retain its place.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 15, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment, to whom was referred Assembly Bill No. 15—An Act to amend Section 1855a of the Code of Civil Procedure, relative to the introduction of abstracts of title in evidence.

And: Senate Bill No. 8—An Act to amend Section 1855a of the Code of Civil Procedure, relative to the introduction of abstracts of title in evidence.

Have had the same under consideration, and respectfully report that Assembly Bill No. 15 is identical with Senate Bill No. 8, and recommend that Senate Bill No. 8 be withdrawn.

CASSIDY, Chairman.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Under the terms of Rule 31 of the Standing Rules of the Senate, Senate Bill No. 8 and Assembly Bill No. 15, having been reported identical by the Committee on Engrossment and Enrollment, Senate Bill No. 8—An Act to amend Section 1855a of the Code of Civil Procedure, relative to the introduction of abstracts of title in evidence—considered withdrawn.

And: Assembly Bill No. 15—An Act to amend Section 1855a of the Code of Civil Procedure, relative to the introduction of abstracts of title in evidence—ordered on second-reading file of Assembly bills.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Martinelli asked for, and was granted, unanimous consent to take up Assembly Bill No. 15 for consideration out of order.

Assembly Bill No. 15—An Act to amend Section 1855a of the Code of Civil Procedure, relative to the introduction of abstracts of title in evidence.

Bill read second time, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 15, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 14—An Act excluding certain lands from Reclamation District No. 535, and providing for the continuance of said district as to the remaining lands within the boundaries thereof, and providing that the lands so excluded shall be liable for their just proportion of the legal indebtedness of said district, when the same shall be ascertained by law.

Also: Senate Bill No. 36—An Act to amend Section 1837 of the Political Code, relating to the levying of district school taxes by boards of supervisors.

Also: Senate Bill No. 28—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending sections twelve and twelve-a thereof, relating to the corporate names of associations other than banks.

Also: Senate Bill No. 1—An Act to amend sections one, three, four, nine, ten and eleven of an Act known as "The Building and Loan Commission Act," Chapter 354, Laws of 1911, approved April 5, 1911, relating to the powers and duties of the Building and Loan Commissioner.

Also: Senate Bill No. 13—An Act relating to the advertising and publication of notices, publications and advertisements by state officers, boards, commissions, bureaus and departments, directing that all notices, advertisements and publications when pre-

pared be delivered to the State Board of Control, and vesting in the State Board of Control the exclusive charge, control, supervision, direction, designation, management and regulation of the giving, advertising, noticing and publication of all advertisements, publications and notices to be inserted in newspapers or other mediums, revoking all such authority heretofore given to any state officer, board, commission, bureau or department, and repealing all Acts and parts of Acts in conflict herewith.

Also: Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to Section 16½ of article eleven of the Constitution, relating to the deposits of moneys belonging to the State, or to any county or municipality within the State.

And report that the same have been correctly enrolled, and presented to the Governor at two o'clock and thirty minutes P. M., December 15, 1911.

AVEY, Acting Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, December 15, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 7—An Act making an appropriation for the purpose of carrying out the provisions of the Public Utilities Act.

Also: Senate Bill No. 8—An Act to amend Section 1855a of the Code of Civil Procedure, relative to the introduction of abstracts of title in evidence.

Also: Senate Bill No. 20—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by Congress to the State of California for the benefit of the public schools, and internal improvements, authorizing the conveyance of land by officers of the State for the purpose of making such adjustment and settlement, and making an appropriation of carry out the provisions hereof.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 7, 8 and 20 ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books, together with amendment offered by Senator Curtin, and the point of order raised by Senator Wolfe—the same was taken up for consideration.

POINT OF ORDER OVERRULED.

The President ruled that the point of order raised by Senator Wolfe, that the amendments proposed by Senator Curtin were not in accord with the provisions of subdivision number seven of the call of the Governor convening this extraordinary session, not well taken.

APPEAL FROM DECISION OF THE PRESIDENT.

Senator Wright appealed from the decision of the President in overruling the point of order raised by Senator Wolfe.

Roll call was demanded by Senators Shanahan, Wright, and Boynton.

The roll was called, and the decision of the President sustained by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cuten, Estudillo, Gates, Hewitt, Holoan, Hurd, Juilliard, Larkins, Martinelli, Sanford, Shanahan, Thompson, and Walker—22.

NOES—Senators Finn, Regan, Roseberry, Strobridge, Welch, and Wright—6.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

The question was on the motion made by Senator Curtin on Thursday, December 14, 1911, to refer to Senator Cartwright, as a special committee of one, to amend as follows:

By striking out all after the figure "7", in line 9, down to and including the word "compile", in line 13, and inserting in lieu thereof the following: "The Legislature shall provide for the appointment or election of a state board of education, and said board shall provide".

Motion carried.

SENATOR CARTWRIGHT IN THE CHAIR.

At twelve o'clock M., Senator Cartwright, of the Twenty-sixth District, in the chair.

POINT OF ORDER.

Senator Roseberry raised the point of order, that the question was on the Curtin amendment, and not on the adoption of Assembly Constitutional Amendment No. 3.

RULING ON POINT OF ORDER.

The acting President ruled the point of order well taken.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE—(RESUMED).

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 13, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Constitutional Amendment No. 3, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTWRIGHT, Committee.

Report of special committee of one refused adoption.

AMENDMENTS OFFERED TO ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 3.

Senator Curtin moved to amend as follows:

By striking out all after the figure "7", in line 9, down to and including the word "shall", in line 13, and inserting in lieu thereof the following: "The Legislature shall provide for the appointment or election of a state board of education, and said board shall provide".

The question being on the adoption of the amendment offered by Senator Curtin, the roll call was demanded by Senators Roseberry, Hewitt, and Thompson.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Bell, Bills, Birdsall, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hewitt, Holohan, Hurd, Juilliard, Larkins, Sanford, Shanahan, Walker, and Wright—17.

NOES—Senators Boynton, Bryant, Burnett, Cartwright, Cassidy, Finn, Gates, Martinelli, Regan, Roseberry, Strobbridge, Thompson, and Welch—13.

Also:

Senator Shanahan moved to amend as follows:

By striking out of lines 14 and 15 the words "common schools and" and inserting in lieu thereof the following: "day and evening".

Amendment adopted.

Also:

Senator Shanahan moved to amend as follows:

By striking out of line 21 the words "common schools and" and inserting in lieu thereof the following: "day and evening".

Amendment adopted.

Assembly Constitutional Amendment No. 3 ordered to print, and on file.

RUSH ORDER TO PRINTER.

On motion of Senator Shanahan, the Secretary was directed to issue a rush order for printing Assembly Constitutional Amendment No. 3.

SPECIAL ORDER SET.

Senator Shanahan moved that further consideration of Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books—be made a special order for Monday, December 18, 1911, at eleven o'clock A. M.

Motion carried.

REPORT OF STANDING COMMITTEE — (OUT OF ORDER).

The following report of standing committee was received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, December 16, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 39—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by adding a new section thereto, to be numbered 28½, and providing for the recall of elective officers of irrigation districts—have had the same under consideration, and respectfully report the same back with amendments and recommend that it do pass as amended.

ESTUDILLO, Chairman.

Assembly Bill No. 39 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Curtin: Senate Bill No. 54—An Act to amend section thirty-one of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for irrigation of the lands embraced within such district; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read first time, and referred to Committee on Irrigation.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 16, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment, to whom was referred Assembly Bill No. 56—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water

districts," approved May 1, 1911, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

And: Senate Bill No. 40—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

Have had the same under consideration, and respectfully report that Assembly Bill No. 56 is identical with Senate Bill No. 40, and recommend that Senate Bill No. 56 be withdrawn.

CASSIDY, Chairman.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Under the terms of Rule 31 of the Standing Rules of the Senate, Senate Bill No. 40 and Assembly Bill No. 56, having been reported identical by the Committee on Engrossment and Enrollment, Senate Bill No. 40—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts—considered withdrawn.

And: Assembly Bill No. 56—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts—ordered on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Birdsall asked for, and was granted, unanimous consent to take up Senate Bill No. 20 for consideration out of order, for the purpose of amendment.

Senate Bill No. 20—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by Congress to the State of California for the benefit of the public schools, and internal improvements, authorizing the conveyance of land by officers of the State for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions hereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Birdsall moved to refer to Senator Cutten, as a special committee of one, to amend as follows:

By striking out on page 3, Section 5, line 1, after the word "Sec." the figure "5," and inserting in lieu thereof the following: the figure "4."

Also: by striking out on page 4, Section 6, line 1, after the word "Sec.", the figure "6," and inserting in lieu thereof the following: the figure "5."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 16, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 20, with instructions to amend, respectfully reports the same back, amended as per instructions.

CUTTEN, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, December 16, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 53—An Act to make appropriation for the contingent expenses of the Senate for the extra session of the thirty-ninth Legislature of the State of California during the sixty-third fiscal year—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

CUTTEN, Chairman.

Senate Bill No. 53 ordered on file for second reading.

RECESS.

At one o'clock and twenty minutes P. M., on motion of Senator Bell, the acting President declared the Senate at recess until two o'clock and thirty minutes P. M. of this day.

RECONVENED.

At two o'clock and thirty minutes P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

COMMUNICATION.

Senator Welch asked for, and was granted, unanimous consent that a letter from the Bureau of Standards of the Department of Commerce and Labor at Washington, relating to weights and measure conditions in the United States, be printed in the Journal.

DEPARTMENT OF COMMERCE AND LABOR, BUREAU OF STANDARDS,
WASHINGTON, February 28, 1911.

HON. RICHARD J. WELCH, *State Senator, Sacramento, California.*

DEAR SIR: Referring to your letter of the 19th ultimo, requesting a copy of the report of the investigation made by this Bureau into the weights and measures conditions in certain cities in your State, I have the honor to enclose herewith copies of the reports on the following-named cities: Sacramento, San Francisco, San Jose, Los Angeles, Oakland, Stockton, and Fresno.

We hope that these reports will be of value to you in obtaining adequate laws, and in bringing about better weights and measures conditions throughout your State.

We regret that we were unable to get these reports to you earlier; but we have only a limited force engaged on this work, and there has been a large amount of extra work during the past few weeks in connection with the sixth annual conference of the sealers of weights and measures of the various States.

There has been forwarded to you under separate cover a copy of the report of the fifth annual conference.

Very respectfully,

S. W. STRATTON, Director.

REPORT ON AN INVESTIGATION OF THE WEIGHTS AND MEASURES CONDI-
TIONS FOUND IN SAN FRANCISCO, CALIFORNIA, BY THE
BUREAU OF STANDARDS, IN JANUARY, 1911.

The city of San Francisco, California, has no local ordinance on the subject of weights and measures, except one ordinance in relation to the sale of butter in "print" form, no inspection of the weights and measures in commercial use, and no

city standards by means of which the accuracy of those in use might be determined. In the absence of state laws on the subject, the city is, therefore, totally unprotected in this important matter.

An investigation has been made throughout the stores of the city in order to determine the accuracy of the apparatus in use, the method of sale of commodities, and the amounts delivered to the consumer by the merchants of the city. Representative stores were visited in every principal retail district, in order that the results might be as nearly general as possible.

The results show that the existing conditions are very chaotic. Faulty apparatus is being very commonly used, with the result that very much short weight is being delivered and enormous sums are being lost by the consumers of the city; and the honest, legitimate merchant is being constantly subjected to unfair and dishonest competition, and is occasionally giving overweight on account of the faulty construction of the scales in use.

The condition of the apparatus in use which was tested will first be detailed, after which the scale of special commodities and other matters of interest will be considered.

The scale table follows:

SCALE TABLE.

Type.	Total number tested.	Correct within 3 per cent.		Incorrect.		Fast minus Short Plus				Average Fault.
		Number.	Per cent.	Number.	Per cent.	3.6 per cent.	6.9 per cent.	9.12 per cent.	Over 12 per cent.	
Beam	17	7	41	10	59	- 2; +1	- 2; +1	-----	- 1*	3
Computing	67	31	46	36	54	14; -5	- 5	- 1; +1	- 1†	5
Spring	51	8	16	13	84	15; -4	- 6	- 5; +1	- 5; -1‡	6
Totals ...	135	46	34.1	89	65.9	30 + 10	- 13 + 1	- 6 + 2	- 10 + 1	16

* This scale was short by 62 per cent.

† Three of these scales were -- 16 per cent., -- 14 per cent., and -- 25 per cent.

‡ These scales ranged from 12 per cent to 31 per cent short.

§ This scale was 25 per cent over.

"Otherwise faulty" scales are those showing errors of plus-minus $\frac{1}{2}$ oz. or more at any point from 8 oz. to 3 lbs., inclusive; plus-minus 1 oz. from 3 lbs. to 16 lbs., inclusive; plus-minus 2 ozs. above 16 lbs.; or scales which, on account of faulty construction or their condition are liable to show these errors.

It will be seen from the above tabulation that only 34 per cent of the scales in use are correct, the remaining 65 per cent delivering inaccurate amounts of commodity. As usual, the percentage of the apparatus giving overweight is small and the percentage of short weight correspondingly high. Here five scales out of every six listed in the percentage column are delivering less than the amount represented, and, in addition, nearly all of the scales giving overweight have an error of less than 6 per cent. Very many of the scales are very seriously inaccurate, as is shown by the percentage columns. Thus, 15 per cent of those listed in these columns have a greater error than 12 per cent, the discrepancies varying from 12.5 to 62 per cent. It may be said that every scale in this column is delivering less than the quantity represented. It will be seen that one scale is listed as "slow", but the proprietor declared in this case that "an overweight error of about a half pound was allowed for." The error being somewhat less than this, short weight was the result. Twenty six per cent of the scales specifically listed have an error of more than 9 per cent; while 45 per cent are more than 6 per cent incorrect.

Some of these errors are probably due to carelessness and ignorance, and others to faulty construction of apparatus. The great preponderance of the "fast" scales, as compared with those giving overweight, however, we believe, strongly indicate fraudulent alteration; and this is corroborated by evidence gleaned from the specific record cards. It is here shown that a number of stores have practically all the scales in use set so that short weight is delivered. Specific instances are: a store in which the only scale in use delivers shortages of from 12 to 18 per cent; in another the two scales were short from 4.5 to 18 per cent; in another both scales had metal, etc., attached to the pan so that shortages of from 3 to 8 per cent resulted; in still another each of the three scales delivered from 3 to 25 per cent less than the indicated amounts; again, each of the three scales in use had errors of -- 9, -- 12, and -- 24 per cent; and in still another store two expensive scales were set 14 per cent and 16 per cent short. And such a list could be greatly prolonged.

We believe that such records sufficiently indicate fraud. Attempts to alter scales or even to secrete them and thus prevent their inspection furnished positive evidence to the same effect.

We believe that the above conditions will at once show the extent of the short weight delivered and the consequent imperative need of an inspection department working under laws that grant to the officials sufficient powers to make the above conditions impossible. And we also believe that, until such laws are enacted and an inspection service established, short weight will continue to be the rule, as it has been in the past.

As is usual in this section, little tampering with the weights in use on beam scales was discovered. The number of weights tested is comparatively small on account of the very large number of weightless automatic weighing devices in use, but the weights examined have a much higher percentage of accuracy than the scales. The inaccuracies discovered were, we believe, largely the result of ordinary wear and tear not counteracted by frequent inspection and correction.

No dry measures were being used in the sale of dry commodities, the method usually resorted to being to sell such commodities by weight. The amounts of such commodities delivered may be determined by the condition of the scales in use previously shown. The rule is very commonly neglected in the sale of cranberries, however, the liquid measure being illegally used in this case. Since this measure is fifteen per cent short of the dry standard by which such a commodity should be sold when any measure is used, shortages of about this amount result on all sales so made. At other times dry vegetables and sometimes groceries as well were sold by guesswork and in every such case a discrepancy is practically sure to result. The disuse of the dry measure seems to have resulted to some extent in the elimination of the liquid measure also. In cases where these were not used, the merchant filled the container brought by the customer and charged for the amount that this container is supposed to hold. It is a notorious fact that bottles, cans, etc., are usually short of their supposed capacity, often as much as 20 per cent and sometimes even more. When no measures were used, however, it did not appear that the merchant either reduced the charge or even represented to the consumer that the full amount could not be delivered. Thus large shortages on these amounts necessarily resulted, and many of the evils of "original package goods" sale become customary in the delivery of bulk goods also.

The elimination of the dry measure is commendable when the more satisfactory method of weighing these commodities takes its place. But the elimination of the liquid measure when the basis of sale becomes largely guesswork can not be so regarded, and liquid commodities should certainly be sold by some definite standard of measurement.

The weight of the prints or "squares" of butter sold as half pounds, pounds and two pounds becomes here a matter of the greatest importance on account of the very large quantity consumed in a city of this size, the expensive nature of the commodity, and the fact that practically all of the butter retailed to the consumer of the city is in this form.

In the investigation of this matter 302 "squares" of about twenty-five different brands were weighed. The data thus obtained is presented in the following table.

BUTTER TABLE.

Brand	Size	Number.			Average.	Errors—Average.	
		Total.	Full weight.	Light weight.		Ounces.	Per cent.
Iseleton Creamery	1-lb.	29		29	14.96	— 1.14	— 7.1
Modesto	1-lb.	5	1		15.73	— .27	— 1.7
Alphine	1-lb.	4	1	1	15.98	— .02	
Sonoma Creamery	1-lb.	7		7	14.98	— 1.02	— 6.4
Bodego	1-lb.	9		9	15.39	— .61	— 3.8
Red Clover	1-lb.	10	1	9	15.39	— .61	— 3.8
Cal Falfa	1-lb.	7		7	15.4	— .90	— 3.7
Lily	1-lb.	8		8	15.26	— .74	— 4.6
Golden Eagle	1-lb.	4	3	1	15.85	— .15	1.
Blue Ribbon	1-lb.	1		1	15.75	— .25	— 1.8
Totals		84	8	76			
Per cent of prints short.							90
Average weight of prints.						15.12	
Average shortage of prints.						.88	5.5
Alphine	1½-lb.	4		4	22.58	— 1.42	— 6.
Sherritas	1½-lb.	6	1	5	23.32	— .68	— 2.8
Woodlawn	1½-lb.	8	3	5	23.79	— .21	— .9
Modesto	1½-lb.	5	4	1	23.34	— .66	— 2.8
California Rose	1½-lb.	4	3	1	23.96	— .04	
Golden Glow	1-lb.	2	1	1	23.91	— .09	
Jorsbach & Co.	1½-lb.	2	1	1	23.63	— .37	— 1.5
Jersey	1½-lb.	2		2	23.70	— .30	1.3
Bodego	1½-lb.	7	2	5	23.67	— .33	— 1.4
Totals		40	15	25			
Per cent of prints short.							62.5
Average weight of prints.						23.53	
Average shortage of prints.						.47	2.
Iseleton Creamery	2-lb.	28		28	29.72	— 2.28	— 7.1
Modesto	2-lb.	22		22	31.19	— .81	— 2.5
Alphine	2-lb.	13	1	12	31.02	— .96	— 3.1
Woodlawn	2-lb.	10		10	30.63	— 1.37	— 4.3
Bohemian	2-lb.	9	1	8	31.0	— 1.	— 3.1
Sherritas	2-lb.	9		9	30.87	— 1.13	— 3.5
Jersey	2-lb.	10	4	6	30.84	— .16	— .5
Lily	2-lb.	9	3	6	30.99	— 1.01	— 3.2
Pansy	2-lb.	3		3	29.65	— 2.35	— 7.2
Turlock	2-lb.	7		7	29.87	— 2.13	— 6.7
Red Clover	2-lb.	6		6	29.70	— 2.3	— 7.2
Fallon	2-lb.	7	5	2	31.87	— .18	— .4
Maeseati & Battertessa's	2-lb.	6		6	30.37	— 1.63	— 5.1
California Rose	2-lb.	5	3	2	31.97	— .03	
Golden Glow	2-lb.	4		4	31.19	— .81	— 2.5
Sonoma	2-lb.	4		4	30.6	— 1.40	— 4.4
Star	2-lb.	3		3	30.16	— 2.84	— 8.9
Cloverbrook	2-lb.	3		3	30.65	— 1.35	— 4.2
Golden Garland	2-lb.	4		4	31.12	— .88	— 2.8
Lavergreen	2-lb.	2	1	1	31.59	— .41	— 1.5
Totals		164	18	146			
Per cent of prints short.							89
Average weight of prints.						30.72	
Average shortage of prints.						1.28	4.
Sonoma†	1-lb.	8		8	6.3	1.7	—21.2
Sonoma†	1-lb.	6		6	3.3	.7	—17.5

*Marked 1½-lbs. full wt.

†It was stated by the proprietor of store that these weighed about ½ and ¾ lbs. They are, therefore, so listed.

The 2-pound, 1-pound and 1½-pound squares are of relative importance to the trade in the order mentioned. Therefore the total number of each weighed are in the same ratio. An endeavor has been made to gain as accurate an average as is possible. It will be noted that a greater number of certain brands have been weighed. This has been done because the brands in question were more commonly encountered. The results are, we believe, a very fair average of the weight of butter delivered to the people of the city, as a whole.

It will be noted that the general average weight of the "pound" prints is 15.12

ounces, the shortage being .88 ounce, or 5.5 per cent per print; the 2-pound prints average 30.72 ounces, the shortage being 1.28 ounces, or 4 per cent per print; the 1½-pound prints average 23.53 ounces, the shortage in this case being .47 ounce, or 2 per cent per print. In one store the proprietor was "printing" his own butter in small bricks and declared that these weighed about "half-pounds" and "quarter-pounds." On account of this statement and since the price charged seemed to be based on this assumption they have been so tabulated. The "half-pounds" average in weight 6.3 ounces, a shortage of 1.7 ounces, or 21 per cent; and the "quarter-pounds" average 3.3 ounces, a shortage of .7 ounce, or 17.5 per cent per print. Of the total of 302 squares weighed, 41 were full weight, while the remaining 261 were short. Thus, only 13 per cent of the total deliveries of this commodity contain the represented amount.

It is not noted that the price of this commodity is lower on account of the shortage, and butter moreover which is practically full weight seems to be priced the same as that which is short. Thus, the full shortage is an absolute financial loss to the consumers of the city.

An analysis of the various brands shows that four of the ten brands of the "one-pound" size are within 2 per cent of the correct weight, while two brands are respectively 6.4 per cent and 7.1 per cent light. Four of the nine brands of the "1½-pound" size are within 2 per cent, while one brand is 6 per cent light. And three of the twenty brands of the "2-pound" size are within 2 per cent, while three are more than 7 per cent light. Thus not only does the greater part of the loss fall upon the purchasers of certain brands, but full-weight brands must compete with brands which are very short in weight and grave injustice is being done the honest manufacturer of the former brands on this account. And thus a premium is put upon dishonesty rather than upon honesty in this case.

Some of the merchants endeavor to keep within the law by selling butter by the "print." But it has been repeatedly shown in the past that this can not be successfully done since butter has always been retailed by the pound. The great majority of the merchants make no pretense of selling in any other way.

Only one manufacturer was found billing a smaller weight than is understood, this firm billing "30-ounce prints." The result to the consumer is the same, however, since these will be tacitly retailed as "2-pounds." Another manufacturer, using a very heavy carton, billed "gr. wt." but this averages short even gross, and these also reached the consumer as pounds and two-pounds. The merchant handling this butter always stipulated "full weight" in ordering and had never seen the words "gr. wt." on the bill. He called up the company on the telephone while the Bureau of Standards' inspector was in the store and was told by the representative of the company that all their butter was "full weight." And finally the great majority of the manufacturers bill their product by the pound. One brand 7.1 per cent short on both the pound and two pound sizes is always billed in this way.

The loss to the consumers of the city is of course enormous. The Bureau of Labor Statistics show that the normal adult of the working man's family uses about 28 pounds of butter a year. Basing a total consumption upon 400,000 people, the total amounts to 11,200,000 pounds a year. The average shortage per pound amounts to .68 ounces or 475,000 pounds per year. At an average price of 35 cents per pound, which is much less than the present price, the loss on this one commodity alone to the people of San Francisco is more than \$160,000 per year.

The above conditions exist in spite of the fact that on November 21, 1910, the board of supervisors passed an ordinance specifically regulating trade in this commodity. A copy of this ordinance is attached. It will be seen that "the selling of butter in prints or packages, or otherwise, other than by or in terms of pounds and ounces, avoirdupois, or for a greater weight than the true net weight thereof" is made guilty of a crime with a specified fine. Although this ordinance has been in force for about two months the results of the inspection detailed above show that every feature is being continually violated both by the manufacturer or commission merchant and the retailer. This serves to illustrate that an ordinance of this kind is useless unless some department or official is delegated to enforce the same, and proves, we believe, the necessity for regular inspection before the existing conditions can be alleviated.

The use of the majority of the faulty scales could not be checked by packages weighed upon them since the majority of merchants weigh packages only when they are ordered. In one store, however, a large number of orders about to be delivered were intercepted and checked.

Twenty-four individual packages were weighed up and twenty-one found to be short by amounts varying from .8 per cent to 19 per cent, the average shortage on every package, both heavy and light packages being included, was 5.8 per cent. In each of the three cases in which packages were overweight, the commodity was a cheap one, and careful weighing had not been done. Included in the short packages were tea, coffee, spices, cooked ham, etc., and other high-priced commodities. A test of the scales in this store showed the following: One scale — 6 per cent to — 12 per cent; one O. K.; one — 4.5 per cent, and one "otherwise faulty." It will be seen that only one scale equals the average error in deficiency. The proprietor admitted that a number of the short packages were weighed on the correct scale and this

indicates that short weight in the city is not even limited to the errors of the scales, but that short packages are delivered from some scales which are in themselves correct. Some of the short packages, however, had been weighed on the scale most seriously incorrect, which was the most commonly used.

It has been shown by quotation from specific record cards that the scales in many stores are much more seriously incorrect than those in use here; and the errors on packages delivered from these scales may be best imagined by the data here obtained. All the packages weighed in this store, as well as those weighed elsewhere, are tabulated in the following table.

One other case is worthy of special note. One of the larger stores of the city puts up rice in 25-cent cartons. These cartons are labeled "24 lbs." and the contents are sold for that amount. The proprietor admitted that these cartons were filled and sold without weighing. Ten of these, ready for delivery, were weighed. Every one was light by an amount varying from —3 per cent, the heaviest, to —10.5 per cent, the lightest carton. A test indicated that these cartons when completely filled and settled would still fall short of holding the amount stamped upon them. Yet the proprietor declares that they were made in accordance with the specifications of a large local box-making factory, which makes similar cartons for a number of local firms. The average shortage of all those weighed is —7.35 per cent. In this store all the scales were listed as correct. This not only proves that the full extent of the short weight delivered can not be determined by the condition of the scales alone; but that when guesswork enters into business large frauds are almost bound to result.

The package table follows:

PACKAGE TABLE.

Commodity.	Weight		Number		Heaviest.		Lightest.		Average.		Errors—average	
	Pounds.	Ounces.	Total weight	Full weight	Pounds	Ounces	Pounds	Ounces	Pounds	Ounces	Ounces	Per cent.
Sugar	4		7	7	3	15.44	3	12.81	3	14.39	1.61	2.5
Nuts	1		1	1						14.12	+ 1.12	+ 7
Coffee	1		1	1						14	—	—12
B. sugar	4		1	1					3	14.06	.94	— 3
Rice	2		1	1					1	12.69	— 3.31	—10.5
Beans	4		1	1					4	1	+ 1	+ 1.5
Macaroni	1	8	1	1						22.44	1.56	— 6
Cut sugar	1		1	1						15.06	.94	— 5
Tea	1		1	1						15.31	— .69	— 4.3
Tea	1		1	1						15.12	— .88	— 5
Rice	3		1	1					2	15.62	— .38	— 1.8
Pepper		6.4	1	1						4.38	— 2.02	— 31
Beans	4		1	1					3	12	1	— 6
Ham		11.4	1	1						10.62	— .78	— 6.8
Sugar	4		1	1					3	11.38	— 4.62	— 7
Pepper		6.5	1	1						5.25	— 1.25	— 19
Prunes	4		1	1					4	1.75	+ 1.75	+ 2.7
Crackers	1		1	1						13.25	— 2.75	— 17
Totals			24	3	21							

Per cent of packages short, 87.

Average shortage of packages, 5.8 per cent.

When the above chaotic conditions are considered, and when it is further remembered that the greatest frauds with which the sealers of Portland and Spokane have to contend, is the delivery of short coal and wood loads, the shortages which must exist in these deliveries here must, we believe, be apparent to all. And the consumers are undoubtedly being swindled out of very large sums in this way, also. This matter, however, could not be investigated.

The conditions then as revealed by this inspection are most chaotic and deplorable, and the loss to the consumer and to the honest merchant is an enormous one. We believe that there is, without question, an imperative necessity for a stringent law regulating weights and measures and establishing local inspection services. It is apparent, after a careful study of the subject, that a law of the greatest efficiency can not be legally passed before a constitutional amendment is adopted. There is at the present time before the Legislature a law which, we believe, is the best which can be enacted with the present constitutional limitations. We strongly urge the passage of this law in order that some measure of relief may be immediately obtained. And we also believe that the constitutional amendment, also introduced, should be favorably considered, so that at a coming session the law may be so amended that the greatest efficiency of enforcement may be obtained.

ORDINANCE NO. 1383.

Be it ordained by the people of the city and county of San Francisco as follows:

SECTION 1. It shall be unlawful for any person, firm or corporation to sell, or offer for sale, or to cause or permit to be sold, or offered for sale, any butter in prints or packages, or otherwise, other than by, or in terms of pounds and ounces, avoirdupois, or for a greater weight than the true net weight thereof.

SEC. 2. Any person, firm or corporation who shall violate any of the provisions of this ordinance shall be punished by fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than five days, nor more than fifty days, or both such fine and imprisonment.

SEC. 3. This ordinance shall take effect and be in force immediately.

In Board of Supervisors, San Francisco, November 21, 1910.

REPORT ON AN INVESTIGATION OF THE WEIGHTS AND MEASURES CONDITIONS FOUND IN FRESNO, CALIFORNIA, BY THE BUREAU OF STANDARDS, IN FEBRUARY, 1911.

The city of Fresno, California, in common with all the cities of the states thus far inspected, has no inspection of the weights and measures in commercial use, no local standards of weight or measure, and no ordinances on the subject. These things, taken in connection with the lack of any efficient State laws, leaves the inhabitants of the city wholly unprotected in this important matter.

An inspection of representative stores throughout the city reveals existing conditions which most nearly show the need of some regulation in this matter. In the following report, the condition of the apparatus in use will first be presented, after which other matters of importance will be considered.

The scale table follows:

SCALE TABLE.

Type.	Total number tested.	Correct within 3 per cent.		Incorrect.		Fast Minus Slow Plus				Otherwise faulty.
		Number.	Per cent.	Number.	Per cent.	3-6 per cent.	6-9 per cent.	9-12 per cent.	Over 12 per cent.	
Beam	2			2	100	+1	+1			
Computing	32	15	46.9	17	53.1	-3; +5	-4	-1	-1 (17%)	3
Spring	5	1	20	4	80	-3	-1			
Totals	39	16	41	23	59	-6; +6	-5; +1	-1	-1	3

Per cent columns, — 65 per cent; +35 per cent.

Large meat scale — 1 to — 2 — 3 (variation in error caused by position).

"Otherwise faulty" scales are those showing errors of plus-minus 3 oz. or more at any point from 8 oz. to 3 lbs., inclusive; plus-minus 1 oz. from 3 lbs. to 10 lbs., inclusive; plus-minus 2 ozs. above 10 lbs.; or scales which, on account of faulty construction or their condition, are liable to show these errors.

It will be seen from the above table that but 41 per cent of the scales found in use are correct, the remaining 59 per cent showing discrepancies greater than the tolerances allowed in these tabulations. It may be remarked that the errors are not quite as large as in some of the larger cities heretofore inspected and that a somewhat smaller percentage is apparently due to fraud. The widespread prevalence of the faulty apparatus taken in conjunction with the fact that the average error on the incorrect scales is 4.8 per cent, making the average error on every scale found in use and inspected 2.8 per cent, is entirely sufficient to show the imperative need of systematizing business by standardizing the apparatus in use. The additional fact that in some stores every amount done up must necessarily be short on account of the condition of the apparatus in use, only serves to strengthen the above statement.

The almost universal method heretofore found throughout the State of selling dry commodities by weight is very widely used here, also, and the errors to be expected on this class of commodities may be thus determined by reference to the scale table presented above. As usual, an exception is made in the case of cranberries which are being sold in the great majority of stores by the illegal liquid measure, the usual shortages of about 15 per cent necessarily resulting.

The print butter on sale here has a much lesser error than in preceding cities of the State heretofore reported upon. The data collected on the sale of this commodity is summarized in the following tables in the usual manner.

BUTTER TABLE.

Brand.	Size of print.	Number.			Average ounces.	Errors—Average.	
		Total.	Full weight.	Light weight.		Ounces.	Per cent.
Danish	1-lb.	17	1	16	15.74	— .26	— 1.6
Gold Nugget	1 lb.	7	4	3	16.35	+ .35	+ 2.2
Miscellaneous	1-lb.	2	2		16.06	+ .06	+ .4
Totals		26	7	19			
Per cent of prints short							7.
Average weight of prints						15.9	
Average shortage of prints1	.6
Danish	2-lb.	15	1	14	31.45	— .55	— 1.7
Primrose	2-lb.	3		3	31.05	— .95	— 3.0
Gold Nugget	2-lb.	2		2	30.98	— 1.02	— 3.2
Golden Glow	2-lb.	2		2	30.67	— 1.33	— 4.2
Ranch	2-lb.	1		1	32.9		
Total		23	1	22			
Per cent of prints short							95.6
Average weight of prints						31.28	
Average shortage of prints72	— 2.25
Per cent of all prints short							84
Average shortage of all prints							1.65

It will be seen from the above that but three brands in the 1-pound size are found on sale here and that 28 prints of these have been weighed. These brands average from — 2.2 per cent to — 1.6 per cent, the general average of this size being within .6 per cent of correctness. The 2-pound size, however, shows quite serious shortages, these brands averaging from — 1.7 per cent to — 4.2 per cent, the general average on this size being — 2.25 per cent short.

Thus, the general average shortage on the total amount sold is — 1.65 per cent. Although this shortage means a large loss to the consumers of the city, it is of interest to investigate why the butter here is heavier than that sold in the northern cities of the State. It appears to us probable in this connection that the requirements for full weight in this commodity by the city of Los Angeles may have an influence in increasing the weight of the product sold here. For it is probably a fact that a large amount of butter made here is made in full-weight sizes to be shipped and sold in that city. And this, we consider, would naturally result in a more nearly full-weight product here also.

A somewhat associated reason is that in the 1-pound size but two brands are found extensively sold here; and one of these brands is stamped "1 pound"; and in most cases is practically full weight. This may have had effect on the other brand also.

In the case of the 2-pound sizes where more brands are found on sale the weight is seen to fall materially short. Basing an estimate of loss upon a population of 30,000, and making identical assumptions as in San Francisco, and other cities, the loss to the consumers here upon the butter purchased in the course of a year is somewhat in excess of \$4,000.

Very few packages are found here done up by the merchants ready for delivery, yet in the few weighed, errors on an expensive commodity, such as coffee, sometimes are in excess of 7 per cent.

In conclusion, it may be said that fraudulent practices here, although less flagrant than in some cities heretofore inspected, and not unlike those already discovered to exist, are found; and the same recommendations, in regard to state legislation, reiterated in former reports are advised in this case.

REPORT ON AN INVESTIGATION OF THE WEIGHTS AND MEASURES CONDITIONS FOUND IN SAN JOSE, CALIFORNIA, BY THE BUREAU OF STANDARDS, IN JANUARY, 1911.

The city of San Jose, California, in common with the other cities of northern California, has no ordinances on the subject of weights and measures, no inspection of the weights and measures in commercial use and no standards of weights and measures by which those used here might be compared and their accuracy or inaccuracy determined.

In common, also, with those cities of the state heretofore inspected, the resulting conditions are most chaotic, short weights of various commodities are being con-

stantly delivered and the consumer and honest merchant are suffering greatly thereby—the former by receiving less than the quantity represented and for which they pay, and the latter on account of the absence of a fair and equitable basis of competition.

The condition of the apparatus in commercial use, as revealed by an inspection made throughout the city, will first be considered, after which the manner of sale of commodities, amounts delivered, etc., will be discussed.

The scale table follows:

SCALE TABLE.

Type.	Total number tested.	Correct within 3 per cent.		Incorrect.		Error—Minus Show Plus				Otherwise faulty
		Number.	Per cent.	Number.	Per cent.	3-6 per cent.	6-9 per cent.	9-12 per cent.	Over 12 per cent.	
Beam	13	6	46	7	54	—	—	—1	—4	2
Computing	20	10	50	18	90	— 8; +1	—2	— 1; +1	—1	4
Spring	12	4	33	8	67	— 4	—2	—1	—	1
Totals	45	12	26.7	33	73.3	—12; +1	—4	—3; +1	—5	7

"Otherwise faulty" scales are those showing errors of plus-minus $\frac{1}{2}$ oz. or more at any point from 8 oz. to 3 lbs., inclusive; plus-minus 1 oz. from 3 lbs. to 10 lbs., inclusive; plus-minus 2 ozs. above 10 lbs.; or scales which, on account of faulty construction or their condition are liable to show these errors.

It will be seen from the preceding table that a very large majority of the scales in use here are incorrect, 73 per cent being in this condition, and thus only 27 per cent actually delivered the represented quantities of commodity. The usual predominance of scales giving short weight in distinction from those which deliver more than the indicated amount of commodity is very marked, 92 per cent of those specifically listed being in this condition. Many of the errors discovered are very serious ones, half of those specifically listed having a greater error than 6 per cent, while nearly 20 per cent have errors ranging from 12.5 per cent to 39 per cent.

The above record, we believe, conclusively indicates that fraudulent practices flourish here; and this fact is further proven by the distribution of scale errors in various stores. Thus, in one place of business every one of four scales in use delivered from 3 per cent to more than 6 per cent shortages in weight; in another every scale was so adjusted that 6 per cent shortages resulted; and in several others every scale in use was "fast." Other stores in competition with these have all the scales in use correct and are delivering full weight to the consumer.

As in other nearby cities recently inspected the weights in use are much more accurate than the scales. Some of these are inaccurate, but in general it appears that the existing errors are largely original faults of adjustment or the effect of long usage not counteracted by occasional tests and repair.

Also, no dry measures are being used, nearly all dry commodities being sold by weight. Where this general rule is digressed from the liquid measure is nearly always employed and the usual shortages of about 15 per cent necessarily follow.

Few liquid measures were found in use, the general tendency being to sell liquid commodities either in original packages or by guesswork; that is, by the filling of the container brought by the customer regardless of its actual content. The inaccuracies resulting from this method of sale have frequently been pointed out in the past. Of those measures tested, also, about 60 per cent were inaccurate, the majority being short. The greatest error on any measure found was a shortage of —5.7 per cent.

A number of milk bottles were also tested. A large number of these showed variations, 50 per cent being short. These shortages were often slight and in many cases might have been caused by the inaccuracy incidental to the making of this class of apparatus. An error found of about —22 per cent, however, could not have been so caused and this indicates, we believe, that very considerable errors do exist on the bottles furnished and used by some of the dairy companies.

The sale of print butter was most chaotic, and nearly all of the prints were more or less short in weight. In tabulating this data great care has been exercised in an endeavor to depict actual existing conditions.

Therefore, when it appears that butter is sold to the customer or to the retailer as "lbs.," "2-lbs.," etc., such brands have been tested as these sizes. In some cases, however, retailers claimed that bricks were sold as $1\frac{3}{4}$ pounds and in these cases prints were so listed, although these were on the market in undoubted competition with "2-lbs." bricks. In one or two cases the retailer claimed that bricks, apparently

2 pounds, were sold as "short-weight" butter or by the "print" and when the price is reduced, and the statement seems to be borne out by the conditions of sale, the butter has not been included in the general averages, since it is desired to show the loss to the customer. The lack of fair competition and possibility of fraud when such "short-weight" butter is sold unstamped is, we believe, apparent from the above statement. The data on this subject has been listed in the usual manner in the following table:

BUTTER TABLE.

Brand	Number			Average weight—ounces	Errors—Average	
	Size	Total	Full weight	Light weight	Ounces.	Per cent.
Linda Vista	1-lb.	6		6	15.35	— .65 — 4.1
Edgewood ¹	1-lb.	6		6	14.4	— 1.6 — 10.
Clear Springs ²	1-lb.	2		2	14.38	— 1.62 — 10.1
Central Creamery ²	1-lb.	4		4	15.49	— .51 — 3.2
Santa Clara	1-lb.	3	1	2	15.46	— .54 — 3.4
Panochet Valley ³	1-lb.	5	1	4	15.77	— .23 — 1.4
Red Clover	1-lb.	3		3	14.97	— 1.93 — 12.1
Totals		29	2	27		
Per cent of prints short.						93
Average weight of prints.					15.06	
Average shortage of prints.					.94	— 5.9
Linda Vista	2-lb.	6	1	5	31.64	— .36 — 1.1
Edgewood ⁴	2-lb.	7		7	29.7	— 2.3 — 7.2
Clear Springs ⁴	2-lb.	4		4	30.62	— 1.38 — 4.2
Central Creamery ⁴	2-lb.	4		4	31.21	— .79 — 2.5
Santa Clara	2-lb.	2		2	30.82	— 1.18 — 3.7
Panochet Valley	2-lb.	3	3		32.13	+ .13 + .4
Lajas River ⁵	2-lb.	7		7	31.32	— .68 — 2.1
Camita	2-lb.	1		1	31.68	— .32 — 1.0
Totals		34	4	30		
Per cent of prints short.						83
Average weight of prints.					30.99	
Average shortage of prints.					— 1.01	3.2
Ranch ⁷	3-lb.	3		3	10.35	— 1.65 — 13.8
Ranch ⁷	3-lb.	6		6	3.21	— .79 — 19.7
Clover Ranch ⁸	1½ lb.	3		3	25.86	— 2.14 — 7.6
Totals		12		12		
Per cent of all prints short.						92
Average shortage of all prints.						— 4.61

¹Billed as "lbs."

²Advertised as "lbs."

³Marked "lb." on wrapper.

⁴Advertised as "2-lbs."

⁵Marked "Two lbs." on wrapper.

⁶Billed as "2-lbs."

⁷No quoted.

⁸Claimed to be so sold.

B. and N. butter, 7 prints averaged 28.36 ounces (not averaged with other). Sold as "short-weight" butter.

Miscellaneous butter (not averaged with other). Dealer claims to weigh each brick and sell it at actual weight—4 prints averaged 12.88 ounces; 2 prints averaged 27.53 ounces.

It will be seen from the preceding tabulation that 93 per cent of the "pound" prints are short and that the general average shortage of all bricks of this size is — 5.9 per cent or very nearly an ounce to each pound. Individual brands average 1.4 to more than 10 per cent short. In a similar manner all "two-pound" prints show an average shortage of 3.2 per cent, individual brands varying from +.4 per cent to — 7.2 per cent. Butter quoted as "¾ lb." and "¼ lb." show shortages of 13.8 per cent and 19.7 per cent respectively; and the 1½ pound size is found to be 7.6 per cent short. The "short weight" 2-pound prints average only 28.36 ounces, while other sizes average 12.88 ounces and 27.53 ounces. While these latter brands have not been listed they show shortages of from 14 per cent to 20 per cent when compared with standard sizes.

The general average shortage of all butter sold by weight is 4.6 per cent. Basing a loss on 25,000 inhabitants and using the data explained in the San Francisco report, the loss on this product alone in this small community is in excess of \$11,000 per year.

All of the above results we believe point to but one conclusion, i. e., that without

inspection service losses are very large and fraudulent practices are very common. It has been continually shown in the past that only a rigid inspection service will serve to eliminate such losses to the consuming public and put business upon a fair and honest basis of competition; and in view of these facts we again urge the passage of the constitutional amendment and legislation now pending as imperatively necessary on account of existing conditions found here and in the former cities inspected in this State.

REPORT ON AN INVESTIGATION OF THE WEIGHTS AND MEASURES CONDITIONS FOUND IN OAKLAND, CALIFORNIA, BY THE BUREAU OF STANDARDS, IN JANUARY, 1911.

The city of Oakland, California, has no local ordinances on the subject of weights and measures, no city inspection service and no city standards of weights and measures with which those in commercial use might be compared. In the absence of state laws also, the people of the city are totally unprotected in this important matter. An inspection made throughout the stores and market places of the city shows that inspection and competent laws are very greatly needed here, and that in their absence conditions are such that the people are losing an enormous sum of money each year on account of shortages in the amounts of commodity delivered to them.

The condition of the apparatus in use, the weights of packages done up ready for delivery to the consumer, and the manner of sale and weight of special commodities all tend to prove the above statement. These conditions are detailed on the following pages, the condition of the apparatus in use being first considered. The scale table follows:

SCALE TABLE.

Type.	Total number tested	Correct		Incorrect		Fast minus 3-6 per cent.	Fast minus 6-9 per cent.	Slow plus 9-12 per cent.	Over 12 per cent.	Otherwise faulty
		Number	Per cent.	Number	Per cent.					
Beam	6	4	66.7	2	33.3	- 1				5
Computing	56	22	39	34	61	- 14	- 9 + 1	- 3	- 12	5
Spring	33	6	18	27	82	- 8 + 2	- 2 + 2	- 2	- 12	6
Totals	95	32	33.7	63	66.3	- 23 + 2	+ 3 - 11	- 5	- 7	12

"Otherwise faulty" scales are those showing errors of plus-minus $\frac{1}{2}$ oz. or more at any point from 8 oz. to 3 lbs., inclusive; plus-minus 1 oz. from 3 lbs. to 10 lbs., inclusive; plus-minus 2 ozs. above 10 lbs.; or scales which, on account of faulty construction or their condition, are liable to show these errors.

It will be seen from the above table that but 34 per cent of all the scales inspected were correct within the usual tolerances, the remaining 66 per cent delivering inaccurate quantities of commodity. Of those incorrect, specifically listed in the percentage columns, 90 per cent were "fast" as distinguished from the remaining 10 per cent which delivered more than the indicated amount. As usual, the errors on the "slow" scales averaged much smaller than those which were in favor of the user, and in this case no scale was listed as more than 9 per cent slow; the scales which delivered underweight often showed most serious errors, nearly 25 per cent of all scales in the percentage columns having a greater error than 9 per cent; while about 14 per cent had errors ranging from 12.5 per cent to 28 per cent.

The above percentage and class of errors do not differ very greatly from those already found in the neighboring city of San Francisco, where only 34 per cent of the scales in use were found correct. It may be said, however, that the smaller stores in Oakland are relatively better than similar stores in San Francisco, while the larger stores show more tendency to fraud here.

An analysis of the above table shows so many large errors and such a preponderance of "fast" scales that fraud is indicated in very many cases. Further analysis confirms this belief. Thus, in one large stand in one of the best market places of the city, doing a very large business, seven expensive scales were in use, and every one was so set that shortages of from three to eleven per cent were constantly delivered. Another stand had three scales of a similar make and here also every one delivered shortages of from 3 to 6 per cent. Again, in one of the largest stores in the city, of the fourteen scales in use, nine were delivering short weight from 1.7 per cent to 12 per cent, the scales in which more expensive commodities were being weighed being in this condition. And the result of the use of such scales, as well as deliberate underweighing, is shown when it is discovered that of fifty-one packages ready for delivery to the customer, 82 per cent were short from .8 per cent to 9.4 per cent. The

proprietor here showed his criminal knowledge of conditions by his strenuous objections to having his packages reweighed.

The public fuel market, which does a large business, is in deplorable condition and fraud of all kind exists. Although an inspection was made here only a few scales have been rechecked, in order that these conditions would not outweigh in importance the conditions found throughout the city as a whole. And it is a fact that in the above table a change of only one or two per cent was caused by this work. The proprietor of this market has endeavored to prevent the use of faulty apparatus and a sign is prominently displayed at the entrance requesting that complaints of short weighing be made. He reports that on account of the lack of a city inspector very large frauds were committed in stores near the market outside of his jurisdiction, and his endeavors were made more difficult on this account. As usual in this section, few beam scales with attached computing devices were found; and the weights showed but little tampering. Those found were usually within the tolerances allowed; errors, when found, were largely caused, we believe, by ordinary wear not counteracted by efficient inspection and adjustment.

As usual, also, few dry measures were found in use, and the manner of sale of these commodities can only be determined by the condition of the scales above set forth. Cranberries, of which few were being sold, were largely illegally retailed by the liquid measure; shortages of about 15 per cent necessarily resulted. It appears that this method of sale is always common, although they are occasionally sold by legal weights.

The liquid measures found in use were largely short, but these shortages bear evidence of being original errors of manufacturing, rather than of any alteration made by the merchants. It is reported by dealers that the shortages in their measures were known to them, but that nearly all of those on sale were short, and standard-size measures were difficult to procure in the city. The disuse of liquid measures in some stores was also noted, and in these cases, shortages on liquid commodities necessarily followed, since containers brought by consumers very often failed to hold their supposed capacity.

The sale of butter in print form is of very great importance on account of the high price of this commodity, as well as the fact that butter is nearly always retailed in this form here, bulk butter being very rarely encountered. In the investigation of this matter, 182 prints of the various sizes sold have been weighed.

REPORT ON AN INVESTIGATION OF THE WEIGHTS AND MEASURES CONDITIONS FOUND IN STOCKTON, CALIFORNIA, BY THE BUREAU OF STANDARDS, IN JANUARY, 1911.

The city of Stockton, California, in common with the other cities in the northern part of the State, has no local ordinances on the subject of weights and measures, no local officials to test the apparatus in commercial use and no official standards of weight and measure.

As a result of this neglect by the State and city, the conditions existing here are very chaotic, and large inaccuracies in the amounts delivered as standard quantities result; and the consuming public is suffering very large losses thereby.

The condition of the apparatus in use will first be considered, after which the manner of sale and weights of special commodities will be presented.

The scale table follows:

SCALE TABLE.

Type.	Total number tested	Correct.		Incorrect.		Fast—Minus Slow—Plus				Otherwise faulty
		Number.	Per cent.	Number	Per cent.	3-6 per cent.	6-9 per cent.	9-12 per cent.	Over 12 per cent.	
Beam -----	4	1	25	3	75	+1				1
Computing ---	23	6	26	17	74	-4	-4	-2	1	5
						+1			(+24%)	
Spring -----	11	4	36	7	64	-2	-1			4
Totals -----	38	11	29	27	71	-6	-5	-2	+1	11
						+2				

It will be seen from this table that only 29 per cent of the scales tested in a number of different stores of the city are correct, the very large percentage of 71 per cent delivering inaccurate quantities. Moreover, these latter scales are largely in the favor of the merchant maintaining them, since 81 per cent of those listed in the percentage columns tend to give short rather than over weight. These figures show more inac-

curate apparatus than that recently found in San Francisco, and indicate fraudulent practices. Fraud is undoubtedly present, and while individual shortages are not always as great as in the larger cities, since smaller errors on scales usually appear, it is a fact that half of the scales mentioned above have an error of greater than 6 per cent. The average error on all the incorrect scales is 4.3 per cent, making the average error on every scale examined 3.6 per cent. It will be at once seen, therefore, that the percentage of fraud becomes of very great importance to the consumer of the city, and to the honest merchant who is obliged to withstand widespread, dishonest competition.

As mentioned, the percentages found indicate fraud, and the distribution of errors tends to still further confirm this impression. Thus, in some stores, all the scales in use are practically correct, while in others the large majority in use are imperfect. Thus, in one store five scales out of six in use are noted as having errors producing deficiency in weight delivered; in another store two out of the three scales in use have shortages of 4 per cent and 9 per cent, respectively; and several others have every scale in use incorrect. Also some stores use scales of the cheapest construction, such as family spring scales, for weighing coffee, tea, and other high-priced commodities for which they are wholly unsuited, some having natural variations of more than 6 per cent.

As is usual in most cities in California, few very serious errors are found upon the weights in use. The greatest discrepancies discovered are errors of slightly less than $1\frac{1}{2}$ per cent upon counterpoise weights having ratios of (8-1) and (64-1). Such errors developed shortages of about one half pound on eighty pounds on this scale.

The custom of selling dry commodities by weight is adhered to here as in those cities of the State reported upon previously. Cranberries, which have been found to be an exception to the general rule, are largely out of season, but that these are sold by liquid measure is indicated by the fact that those on sale are all noted as being retailed in this way, the usual shortages of about 15 per cent necessarily resulting.

The liquid measures in use are quite largely inaccurate, but the errors found seem to be the faults of original manufacture and subsequent deterioration rather than any fraudulent alteration on the part of the users. Consequently, measures are found both large and small, errors of more than 6 per cent existing in some cases.

The sale of creamery butter in print form here is very chaotic and large shortages exist, and consequently the loss to the consumers of the city is a very great one. Only two sizes are found, i. e. the two-pound and one-pound, and although some manufacturers are billing their product by the "roll," in the great majority of cases these reach the consumer at the above stated weights. Since it is not apparent that any reduction whatever has resulted from the shortages in the weights furnished, it must be concluded that any such shortage is an actual loss to the consumer. One hundred and fifty-six pounds of the product furnished here was weighed up in individual prints. The data so collected has been tabulated in the usual way, and is contained in the following table:

PRINT BUTTER.

Brand.	Size.	Number.			Average ounces.	Errors—Average.	
		Total.	Full weight.	Light weight.		Ounces.	Per cent.
Crown	2-lb.	17	17	17	30.59	— 1.41	— 4.5
Stockton	2-lb.	10	10	10	30.43	— 1.57	— 4.9
Banner	2-lb.	5	1	4	31.56	— .44	— 1.4
Cracker Jack	2-lb.	5	2	3	31.34	— .66	— 2.1
Gilt Edge	2-lb.	5	1	4	31.63	— .37	— 1.2
Valley	2-lb.	3	3	3	30.3	— 1.70	— 5.3
Griffiths	2-lb.	5	5	5	30.12	— 1.88	— 5.9
Riverside	2-lb.	8	6	2	31.56	— .44	— 1.4
Misc. ranch and dairy	2-lb.	6	2	4			
Totals		64	8	56			
Per cent of prints short							88
Average weight of prints					30.93		
Average shortage of prints					— 1.07		— 3.3
Stockton	1-lb.	5	1	4	15.59	— .41	— 2.6
Crown	1-lb.	10	10	10	15.31	— .69	— 4.2
Valley	1-lb.	10	10	10	15.09	— .91	— 5.7
Ranch	1-lb.	3	2	1	16.21	+ .21	+ 1.3
Totals		28	3	25			
Per cent of prints short							— 90
Average weight of prints					15.38		
Average shortage of prints					— .62		— 3.88
Per cent of all prints short							— 88
Average shortage of all prints							— 3.4

It will be seen that of the 64 two-pound prints of nine different brands weighed, 88 per cent are short; the average weights of the various brands being short by amounts varying from 1.4 per cent to 5.9 per cent, the heaviest brand being the product of local ranches and dairies. The average shortage on all of this size sold is found to be —3.3 per cent.

Of the one-pound prints of four different brands discovered on sale and weighed, 90 per cent are short. One brand, the product of local ranches and dairies, is overweight by +1.3 per cent. The other brands all average short by amounts varying from —2.6 to —5.7 per cent; the average shortage on all of this size is 3.88 per cent.

These figures make a total of 88 per cent of the butter short, with an average shortage on the entire product of —3.7 per cent.

On a total of 30,000 inhabitants, the loss, making the same assumption as in San Francisco and Oakland, is slightly in excess of \$10,000 a year on this one commodity alone.

Not enough packages done up for delivery were found here to make the average a fair criterion of the city. It may be stated, however, that 75 per cent of the staves showed an average shortage on all packages weighed, this varying from —1.8 per cent to —5.4 per cent. Individual packages sometimes showed discrepancies of nearly 14 per cent.

It will be seen, then, that conditions here do not vary greatly from those detailed in the cities of the State inspected and reported upon previously. And it is clear that remedial legislation of the same character as that detailed heretofore is very necessary here also.

REPORT ON AN INVESTIGATION OF THE WEIGHTS AND MEASURES CONDITIONS FOUND IN SACRAMENTO, CALIFORNIA, BY THE BUREAU OF STANDARDS, IN DECEMBER, 1910.

The city of Sacramento, the capital of California, has no ordinances in relation to weights and measures, no inspection service, and no city standards of weights and measures by means of which the accuracy of the apparatus in commercial use might be determined.

The standards furnished the State by the United States Government are by law placed in the custody of the Secretary of State, and are kept in the capitol building. The present incumbent of the office states that the set was incomplete at the beginning of his term and had been so for some years. The apparatus on hand was examined, and it was found that most of the avoirdupois weights and a few other pieces were missing. A list of the apparatus and the condition of the same are detailed on the state sealer's record sheet attached to this report.

The general conditions existing throughout the city as revealed by this inspection shows very clearly the chaotic state of affairs, following the neglect of this subject by the state and local authorities.

The condition of the apparatus in use will first be detailed, after which the weights and manner of sale of special commodities will be considered.

The scale table is first presented:

SCALE TABLE.

Type.	Total number tested	Correct within 3 per cent.		Incorrect.		Fast Minus Slow Plus.				Otherwise faulty
		Number.	Per cent.	Number.	Per cent.	5-6 per cent.	6-9 per cent.	9-12 per cent.	over 12 per cent.	
Beam	1	1	100							
Computing	14	3	21	11	79	—8	—1	—	—1	1
Spring	13	3	23	10	77	—2	—1; +1	—1	—2	1
									(—6 to 25%)	
Totals	28	7	25	21	75	—10	—2; +1	—1	—3	4

"Otherwise faulty" scales are those showing errors of plus minus $\frac{1}{2}$ oz. or more at any point from 8 oz. to 3 lbs., inclusive; plus-minus 1 oz. from 3 lbs. to 10 lbs., inclusive; plus-minus 2 ozs. above 10 lbs.; or scales which, on account of faulty construction or their condition, are liable to show these errors.

It will be seen from the above table that only 25 per cent of the scales in use found in all parts of the city can be listed as correct, the usual tolerances being granted in every case. The cases in which faulty scales are giving overweight are so few as to be practically negligible, only 6 per cent of those listed in the percentage columns being in this condition. In some cases the errors were very serious, being over 12 per cent in 18 per cent of the above class; and 41 per cent had a greater error than 6 per cent. Many of these scales were very faulty in construction, or in a very dilapidated condition, as is evidenced by one scale which had a varying error

of from 6 per cent to more than 40 per cent, according to the way in which the commodity to be weighed is placed upon the pan. A line of groceries was being retailed by the use of this scale, and a large amount of poultry at a high price per pound was also being sold by the weights indicated on this scale.

Although some of the errors were probably due to carelessness or ignorance, fraud is shown, we believe, by the great preponderance of "fast" scales as distinguished from those which give more than the indicated amount. In many stores every scale in use delivered less than the represented amount, and thus in these stores the great majority of delivered packages were short in weight.

Very few beam scales without springs or attached computing devices were found, as is indicated by the above table. As a result, very few weights are in use, and thus few have been tested. These are usually within the tolerance allowed, although a few show discrepancies.

As usual in this section, no dry measures are being used, vegetables, etc., being bought and sold by weight in the majority of cases. An exception usually occurs in the case of cranberries, these being largely sold by liquid instead of dry measure, the usual shortages, approximating 15 per cent, resulting.

The liquid measures in use do not show any signs of having been fraudulently altered and have about the same errors as when manufactured. These errors are usually not greater than 2 per cent and variations both in excess and deficiency were disclosed.

The majority of the butter sold here is retailed in "brick" or "print" form of "one" and "two-pound" sizes, the latter being the more usual size. The weight of the "print" delivered is of the greatest importance since shortages mean an enormous aggregate loss to the consumers of the cities. In the investigation of this matter 112 "lbs." of butter of six different brands found on sale have been weighed, the data being presented in the following table:

BUTTER TABLE.

Brand.	Size.	Number.			Average ounces.	Errors—Average	
		Total.	Full weight.	Light weight.		Ounces	Per cent
Crystal Cream	1-lb.	9		9	15.44	— .56	— 3.5
The Creamerie*	1-lb.	7	3	4	15.86	— .14	— .9
Totals		16	3	13			
Per cent of prints short							81.0
Average weight of prints						15.63	
Average shortage of prints						.37	— 2.3
Crystal Creamery	2-lb.	6		6	31.01	— .99	— 3.1
Cornellia	2-lb.	12		12	31.36	— .64	— 2.0
Monarch	2-lb.	13		13	30.73	— 1.27	— 4.0
Best Creamery†	2-lb.	9		9	31.38	— .62	— 1.9
The Creamerie	2-lb.	5		5	30.71	— 1.29	— 4.1
Ranch butter	2-lb.	3		3	30.97	— 1.03	— 3.2
Totals		48		48			
Per cent of prints short							100
Average weight of prints						31.06	
Average shortage of prints						.94	2.9

*Marked "One pound. Full weight."

†Marked "Full weight. Two pounds."

It will be seen from the above table that of 48 "two-pound" prints weighed, every one was short. The heaviest brand was marked "Full Weight. Two Pounds," and lacks an average of .62 ozs. on each print; a shortage of 1.9 per cent, while the two lightest brands averaged only 30.71 and 30.73 ounces in weight, the shortage in this case being 1.29 ounces and 1.27 ounces, or 4 per cent per print. Individual "two-pound" prints were sometimes 3 ounces, or 9.4 per cent short.

In the "pound" size, two brands are found. The heavier was marked "One Pound. Full Weight," and weighed 15.86 ounces, the shortage thus being only .14 ounces, or .9 per cent per print. The lightest brand had an average shortage of .56 ounces, or 3.5 per cent, the average of all prints of this size found being 15.63 ounces, a shortage of 2.3 per cent. When it is considered what an enormous aggregate number of pounds of butter are used by the people of the city, the above shortages will be seen to represent an enormous loss to the people in the course of a year.

With the above record of apparatus it is to be expected that shortages will generally exist in the amounts of commodity delivered to the consumer. The use of the majority of faulty scales could not be checked in this way since on these scales packages are rarely done up and kept ready for delivery; but are usually weighed only as ordered. In several stores packages were found, and those weighed have been tabulated in the following table:

It will be seen from the above that every store in which packages have been weighed has more than 80 per cent of these short in weight. Average shortages on all packages are 7.9 per cent, 5.7 per cent and 5.2 per cent, respectively. Individual packages were sometimes 19 per cent short of the represented amount. And it will be seen that in two of the three stores the average shortage of the packages found is greater than the shortage on any scale in the store, indicating that the weights delivered were even shorter than would be indicated by the scales themselves.

Summarizing the above data it will be noted that 89 per cent of all the packages found done up were short in weight, and that the total average shortage amounted to 6.5 per cent.

We believe that it is unquestionable that the above data represents a most chaotic state of affairs. The large percentages of faulty apparatus; the shortages in the prints of butter; the manner of sale of commodities; and the shortages in general commodities delivered, all point to the imperative necessity of an inspection service which will keep the apparatus correct and so supervise the sale of commodities that fraud will become the exception rather than the rule, as seems to be at present the case. And until laws are passed by the State and local government regulating this important matter, a very large loss to the consuming public and to the honest and legitimate merchant is bound to continue unchecked.

REPORT ON WEIGHTS AND MEASURES CONDITIONS FOUND IN LOS ANGELES, CALIFORNIA, BY THE BUREAU OF STANDARDS, IN JANUARY, 1911.

The city of Los Angeles, California, has by ordinance created the office of Sealer of Weights and Measures and provided the powers and duties of such officer. This ordinance, a copy of which is attached, is quite a good one, although we believe it might be improved by providing for confiscation of incorrect apparatus, etc. The system provides for the collection of fees for work done and this, we believe, is unjust; and, in addition, prevents the best cooperation between the merchants and the sealer. Although fees are never charged more than once in each year, it is found that great bitterness is sometimes engendered when more frequent inspections are made, and this seems bound to cause unnecessary friction between the sealer and the merchants of the city. The sealer here is not in favor of the fee system, but thus far it has been impossible to have the fees abolished. Since every person in the city benefits by the inspections, however, it seems a more equitable proceeding to require the support of the department by direct taxation, rather than by levying a tax on a particular class, which is the result of the present method. It has been continually shown in the past, also, that higher efficiency almost invariably follows a change of this character.

The sealer is provided with an office in the city hall, with the necessary standards with which to carry on his work and with a horse and wagon to properly transport the standards throughout the city. Up to a short time ago a set of weights and measures were set aside for primary standards, and these were used only to test the working standards in actual use. Since the recent appointment of an additional deputy, however, it has been found necessary to convert all standards into working standards; as a result, the city has no primary standards of weight and measure.

The force of the department consists of a sealer and two deputies. The actual tests are usually made by two of these men, the third spending the majority of his time in the investigation of complaints, the prosecuting of offenders, and other special work. This force is able to test practically all the apparatus in use in the city about once in each year, and often makes special or surprise inspections more frequently than this. Loads of coal are frequently reweighed, as are packages done up by the merchant ready for delivery; print butter is also frequently weighed by the department.

It is reported by the sealer that it is found necessary to proceed against about six or seven offenders a month, for violation of the ordinances. In nearly every case the proceedings are successful. Fines levied vary from \$20 in the average case to \$100, the maximum under the ordinance, in exceptional cases.

It may be said at once that the conditions existing here are far better than in any city of California visited up to the present time, and that it is apparent that this is the direct result of the inspection service in vogue. A résumé of the apparatus inspected will, we believe, at once prove the correctness of the above statement; and the following tabulations showing the manner of sale of commodities, weights of special commodities, etc., will serve to confirm this impression.

The tabulation of the condition of the scales inspected here follows:

SCALE TABLE.

Type	Total number tested	Correct within 3 per cent.		Incorrect		Error: Minus, plus, %				Otherwise faulty
		Number	Per cent	Number	Per cent	3-6 per cent	6-9 per cent	9-12 per cent	over 12 per cent	
Beam	32	29	88	4	12	- 3	-----	- 1	-----	0
Computing	59	36	61	23	39	- 8; +2	- 8; 1	- 2	-----	0
Spring	57	14	25	22	39	- 6; +1	- 1	- 3	- 4*	8
Totals	129	79	61.2	50	38.8	- 17 + 3	- 9; +1	- 6	- 4	10

* One of these was minus 19 per cent and one minus 28 per cent.

"Otherwise faulty" scales are those showing errors of plus-minus $\frac{1}{2}$ oz. or more at any point from 8 oz. to 3 lbs., inclusive; plus-minus 1 oz. from 3 lbs. to 10 lbs., inclusive; plus-minus 1 oz. above 10 lbs.; or scales which, on account of faulty construction or their condition, are liable to show these errors.

It will be seen from the above table that 61.2 per cent of all the scales tested throughout the city are correct within the usual tolerances; the remaining 38.8 per cent delivering inaccurate quantities. As usual those scales incorrect are largely delivering less than the indicated amounts, 90 per cent of those specifically listed being in this condition here. Several scales, all of these of the spring variety, have serious errors of more than 12 per cent. Fifty per cent of the scales listed in the percentage columns have the smallest listed percentage error, however, *i. e.*, 3 to 6 per cent; while 75 per cent are within 9 per cent.

Analyzing the types of scales, we find the scales without attached springs or computing devices the most accurate class, with 88 per cent correct. Computing scales follow with 61 per cent accurate; while the spring scales have only 38 per cent correct. In regard to this latter class it should be stated that many spring scales of the cheapest construction are in use, and that many of these are incorrect when sold. In one distributing store the sealer reports that 75 per cent of this type on sale were incorrect; and your inspector tested one here which sometimes showed an error of 38 per cent on one pound. Yet the sealer has no authority to prevent their sale and as a result many are found in use. It is then much more difficult to eliminate them; partly because of the infrequency of the tests; and partly because the merchants advance the argument that they were bought in good faith and they should be protected from being imposed on in this way. There is certainly a firm foundation for the last contention, and the authority of the sealer should extend over all apparatus on sale over which he now eventually has jurisdiction. This is one of the features of the State legislation endorsed by this Bureau.

In order to show the general increase in accuracy due to the inspection service a comparison might be drawn between Los Angeles and the combined cities of San Francisco and Oakland, California, these cities being the only ones having an adequate population for direct comparison of conditions. In order to facilitate this object, the following figures may be presented:

City.	Total number scales tested.	Per cent of total scales correct.	Average per cent of error on all incorrect scales.	Average per cent of error on all scales.
Los Angeles	129	61.2%	5.76%	2.44%
San Francisco and Oakland.....	290	34.9%	6.85%	1.57%

The above table shows the following facts: First, that 80 per cent more of the scales are incorrect in the combined cities than in Los Angeles; second, that the average error on incorrect scales is 19 per cent greater in the combined cities; and, third, that the error on the average scale in use is 96 per cent greater in the combined cities than on the average scale in use in the city of Los Angeles; and this figure furnishes a direct basis of comparison between the districts mentioned. We consider that the above figures carry an incontrovertible conclusion, and furnish an argument for inspection service which no reasoning can gainsay.

The weights in use on the beam scales show a perfect record, 93 per cent being within one half of one per cent, while the remaining 7 per cent have an error of less than one per cent in every case.

Dry commodities are here almost universally sold by weight, no dry measures being found in use. Cranberries are sometimes sold by liquid measure, although so very few are now on the market that it is difficult to determine how extensively this practice prevails. The sealer admits that up to the past year they have been sold in

this manner. During the past season an endeavor was made to eliminate the practice and it was to some extent abolished.

The liquid measures found in use are usually accurate, 88 per cent being within 3 per cent of the correct size. The greatest shortage found is 5.6 per cent on the pint size. A Mason's quart jar used as a bulk measure was being filled in such a way that shortages of 4.3 per cent were delivered, although the jar filled absolutely full held the required amount. No faulty oil pumps have been found in use here. Recently tests have been made by the city department upon the large liquid measures used by the oil companies and milk dealers of the city. A large number of these have been found to be short and such measures are being condemned and replaced. Seventy-two 5-gallon measures belonging to an individual company have thus been removed from use.

As noted above, the department has made a very serious effort to compel the sale of full-weight butter to the consumers and merchants of the city. A large number of prints of various brands have been weighed to determine the result of these efforts on the part of the local officials. The subject is of additional interest on account of an ordinance of the city which compels the sale of butter by weight.

The data collected is tabulated in the usual manner. This table follows:

BUTTER TABLE.

Brand.	Size.	Number			Average ounces.	Errors—Average	
		Total.	Full weight.	Light weight.		Ounces.	Per cent.
Santa Ana	1-lb.	35	2	33	15.48	— .52	— 3.3
La France	1-lb.	20		20	15.57	— .45	— 2.7
Imperial	1-lb.	15	9	6	15.87	— .13	— .8
Our Special	1-lb.	16	4	12	15.68	— .32	— 2.0
Whittier	1-lb.	16	5	11	15.9	— .10	— .6
Rivera	1-lb.	16		16	15.51	— .49	— 3.1
Maple Grove	1-lb.	12	1	11	15.41	— .59	— 3.7
Geo. H. Smith	1-lb.	10		10	15.68	— .32	— 2.0
Pansy	1-lb.	9	1	8	15.75	— .25	— 1.6
Clover Glen	1-lb.	13	2	11	15.72	— .28	— 1.7
Crescent	1-lb.	8	2	6	15.67	— .33	— 2.1
El Centro	1-lb.	7		7	15.35	— .65	— 4.1
Santa Anita	1-lb.	9	7	2	15.99	— .01	O. K.
Challenge	1-lb.	7	1	6	15.79	— .21	— 1.3
Ralph's Best	1-lb.	7	3	4	15.82	— .18	— 1.1
Ralph's	1-lb.	8	4	4	15.97	— .03	O. K.
Normandie	1-lb.	7		7	15.43	— .57	— 3.6
Orange County	1-lb.	7		7	15.21	— .79	— 4.9
Central Cream	1-lb.	7		7	15.61	— .39	— 2.4
Oak Glen	1-lb.	6		6	15.78	— .22	— 1.4
Pride of California	1-lb.	6	4	2	15.97	— .03	— .2
Poppy	1-lb.	6		6	15.77	— .23	— 1.4
Gold Seal	1-lb.	6		6	15.33	— .67	— 4.2
Sunlight	1-lb.	6	1	5	15.58	— .42	— 2.6
Ideal	1-lb.	6		6	15.78	— .22	— 1.4
Eureka	1-lb.	6	5	1	16.45	+ .45	+ 2.8
Popular	1-lb.	4		4	15.5	— .50	— 3.1
Belle Vernon	1-lb.	3		3	15.4	— .60	— 3.7
Power's Fancy Special	1-lb.	2	1	1	15.91	— .09	— .6
Finest	1-lb.	2		2	15.88	— .12	— .7
Columbia	1-lb.	1		1	15.63	— .37	— 2.3
Blue Grass	1-lb.	4		4	15.19	— .81	— 5.1
Montgomery & Tone	1-lb.	6		6	14.83	— 1.17	— 7.3
Ienmore	1-lb.	7	3	4	15.83	— .17	— 1.1
Crown Grocery	1-lb.	6	1	5	15.72	— .28	— 1.7
Favorite	1-lb.	2	1	1	15.94	— .06	— .4
Parker's Gilt Edge	1-lb.	1		1	15.82	— .18	— 1.1
Totals		309	57	231			
Per cent of prints short							81
Average weight of prints						15.66	
Average shortage of prints						.34	2.12
Finest	2-lb.	5		5	31.08	— .92	— 2.9
Central Cream	2-lb.	5	2	3	31.25	— .75	— 2.3
Geo. H. Smith	2-lb.	5		5	31.47	— .53	— 1.7
Ralph's Best	2-lb.	6	4	2	31.89	— .11	— .3
Power's Fancy Special	2-lb.	6	2	4	31.76	— .24	— .8
Oak Glen	2-lb.	5		5	31.17	— .83	— 2.6
Jevne's	2-lb.	3		3	31.97	— .03	— .1
Ralph's Best	2-lb.	2		2	31.38	— .62	— .9
Totals		40	11	29			
Per cent of prints short							72.5
Average weight of prints						31.54	
Average shortage of prints						.46	1.44

Average per cent of all prints short, 80.5.

Average shortage of prints, 1.98 per cent.

The above table shows the results of weighings made on 349 individual prints of the 1-pound and 2-pound sizes, aggregating 389 pounds of butter of nearly 40 different brands. The 1-pound prints predominate in the tables, since a greater proportion of the butter is sold in this size. Eighty per cent of the 1-pound prints and 72 per cent of the 2-pound prints are short in net weight. Analysis shows that the different brands vary in average weight from + 2.8 per cent, the heaviest brand, to - 5.1 per cent and - 7.3 per cent, the lightest brands. The latter bears the name of a local grocer and is on sale in only one store in the city. The general average weight of all the 1-pound prints found is 15.66 ounces, the general average shortage thus being only .34 ounces or 2.12 per cent. In like manner the 2-pound brands average from correct weight, the heaviest found, to - 2.9 per cent, the lightest. The average weight of this size is 31.54 ounces, a shortage of only .46 ounces on two pounds, or 1.44 per cent. The general average shortage of all butter sold, the 2-pound prints being subordinated in proportion to the fewer prints sold, is only - 1.98 per cent. The sealer reports that the local courts have made the prosecution of offenders among the manufacturers and wholesalers more difficult here by the decision that the integrity of the shipment to the retailer must be proven before conviction can be obtained. Thus when thirty 1-pound prints are billed to the retailer, twenty-nine prints averaging 15 ounces are not sufficient to prove that the shipment was short; since the "1-pound prints" are decided to be a matter of description, and not a guarantee of individual weight. Thus, if the retailer dispose of only one print of an entire shipment the manufacturer can not be proceeded against, regardless of the shortages of the remainder of the shipment.

It is reported by nearly every one that before the intervention of the local sealer conditions were very chaotic and losses were very great on this commodity. In order to understand how much has been accomplished here comparison with the combined cities of Oakland and San Francisco will again be resorted to. The following figures are presented:

City.	Total number prints weighed.	Per cent of total short.	Per capita consumption, per year.	Per capita loss, per year.	Average weight of lb. sold in ounces.	Average shortage on all butter.
San Francisco and Oakland	484	89.9%	28 lbs.	1.37 lbs.	15.22	4.88%
Los Angeles	349	80.5%	28 lbs.	.55 lbs.	15.68	1.98%

The above table shows: First, that 12 per cent more prints are full weight here than in the combined cities; second, that the average "pound" is 3 per cent lighter in the combined cities; and third, that the per capita loss is 146 per cent greater in the combined cities. If we assume that the population here is 300,000 and that nine tenths of the people buy butter in print form, and that the average price is 35 cents per pound, we find from accepted figures that the loss here amounts to about \$50,000 per year. Were conditions similar to those existing in the combined cities and there is no good reason to believe that conditions were not dissimilar in the past; statements of merchants further favoring this conclusion) this loss would amount to more than \$125,000 per year. And thus it appears that the annual saving to the people of the city in this one commodity alone on account of the inspection service is some \$75,000. Conversely, the people of the combined cities are yearly losing, on account of neglect to establish such an inspection service, some \$140,000 yearly. This figure assumes that no better conditions would follow than have already resulted here, although we believe that these figures are susceptible of improvement and will show improvement in the future. That the saving is actual and not theoretical is further proven by the fact that the price of butter here and in San Francisco and Oakland seems to be identical; notwithstanding the difference in weights delivered.

Another large good effected is the putting of all companies on a fair basis of competition, since miscellaneous sizes have largely been eliminated; and thus the consumer is able to judge quality and price directly. An exception is found in the case of one brand only, this being found on sale in 13 and 26 ounces prints. The weight was considerably greater in this case and consequently this brand has not been tabulated.

Shortly after the office of sealer was established here, tests were made on the milk bottles in use. A large number of short bottles were discovered at that time (it is reported that those used by one firm were short about 20 per cent) and these were put out of use. The question of testing this class of apparatus was taken into the courts and it was then held by the local court that the milk bottle was not a measure, but a container, and did not come under the jurisdiction of the sealer on this account. Since this decision, which, we believe, is not an equitable one, but few tests have been made here. The tests made at the time of this report show that the majority of the excessively short bottles have been withdrawn from use. The great majority of the bottles are slightly short, however, especially the smaller sizes in which cream is usually sold.

Taking as a standard the allowances made in the laws of New York State, which are plus or minus 2 drams on one half pint, plus or minus 3 drams on one pint and plus or minus 4 drams on one quart, we find that all the quarts tested are correct; 87 per cent of the pints are correct, while the remainder are short from - 3.5 per cent to - 4.3 per cent (allowance 2.3 per cent); while but 57 per cent of the half pints are correct. Eighty-three per cent of the faulty bottles are short, ranging from - 3.4 per cent to - 5.2 per cent (allowance 3.1 per cent).

The above data, we believe, indicates that the city of Los Angeles is in quite a

satisfactory condition, and when it is considered that the sealer here has been working without any coöperation from other sections the results obtained must be considered excellent. How large the saving is which is being effected in various branches of business is indicated by this report and the additional saving on bulk commodities such as wood and coal, the sale of which could not be efficiently checked by your inspector, must also be enormous. This may be indicated by the report of the sealer that fourteen out of thirty-seven large wagon scales had to be completely rebuilt after the first test made here, before accuracy could be obtained.

The above data is the most excellent argument in favor of weights and measures inspection which can be secured. And the passage of the legislation already introduced making this possible throughout the State; and of the constitutional amendment which will render possible a compulsory inspection supervised by state authority is urged on this account. The constitutional amendment will also make possible state laws upon the sale of package goods, print butter, etc., which we believe will do much to reduce the high cost of living existing at the present time.

PRINT BUTTER TABLE.

Brand.	Size.	Number.			Average weight. ounces.	Errors—Average.	
		Total.	Full weight.	Light weight.		Ounces.	Per cent.
American	4-lb.	6	2	4	3.88	— .12	— 1.0
Miscellaneous	4-lb.	4		7	3.68	— .92	— 23.
Rexford	4-lb.	3		3	3.63	— .37	— 9.2
Totals		16	2	14			
Per cent of prints short							88
Average weight of prints						3.48	
Average shortage of prints						— .52	— 13.
O. C. D. Brand	1-lb.	8		8	7.38	— .62	— 7.8
Rexford	1-lb.	2		2	7.22	— .78	— 9.7
Miscellaneous	1-lb.	6		6	6.65	— 1.35	— 17.0
Totals		16		16			
Per cent of prints short							100
Average weight of prints							
Average shortage of prints						7.09	
American	1-lb.	12	1	11	15.43	— .57	— 3.6
Jersey	1-lb.	6		6	13.6	— 2.4	— 15.
Rexford	1-lb.	6		6	14.54	— 1.46	— 9.1
O. C. D. Brand	1-lb.	18	1	17	15.61	— .39	— 2.4
California Cream	1-lb.	5		5	14.14	— 1.86	— 11.6
Oakland Market Creamery	1-lb.	8		8	14.33	— 1.67	— 10.4
Monarch	1-lb.	5	2	3	15.77	— .23	— 1.4
Pacific	1-lb.	1		1	15.5	— .5	— 3.1
Totals		61	4	57			
Per cent of prints short							96
Average weight of prints							
Average shortage of prints						14.99	
Challenge	13-lb.	5		5	26.82	— 1.0	— 6.31
Brookside	13-lb.	4	1	3	27.74	— 1.18	— 4.2
Golden Garland	13-lb.	4		4	26.38	— .26	— .9
Totals		13	1	12		1.62	— 5.1
Per cent of prints short							
Average weight of prints							92
Average shortage of prints						27.93	
Oakland Market Cream	2-lb.	8		8	29.52	— 1.03	— 3.7
O. C. D. Brand	2-lb.	7		7	30.94	— 2.48	— 7.8
California Cr.	2-lb.	5		5	29.32	— 1.06	— 3.3
Humboldt	2-lb.	7		7	30.36	— 2.68	— 8.4
Jersey Brand "A"	2-lb.	6		6	30.16	— 1.84	— 5.8
Fort Sutter	2-lb.	5		5	30.89	— 1.11	— 3.5
Superior	2-lb.	5		5	30.39	— 1.61	— 5.0
Eucina	2-lb.	4		4	30.92	— 1.08	— 3.4
Fernwood	2-lb.	4		4	29.53	— 2.47	— 7.7
Red Clover	2-lb.	4		4	30.70	— 2.47	— 7.7
Rexford	2-lb.	2		2	30.5	— 1.30	— 4.1
American	2-lb.	2		2	30.26	— 1.50	— 4.7
Miscellaneous	2-lb.	2		2	30.3	— 1.74	— 5.4
Los Banos	2-lb.	6		6	29.61	— 1.70	— 5.4
Valley	2-lb.	4	1	3	31.74	— 2.39	— 7.5
Pacific	2-lb.	3		3	31.11	— .26	— .8
Monarch	2-lb.	2		2	31.74	— .86	— 2.8
Totals		76	1	75	29.67	— 2.33	— 7.3
Per cent of prints short						30.84	— 3.7
Average weight of prints							
Average shortage of prints						1.16	— 3.7
Averaging in 7 prints Isleton at — 7.1%, general average is — 5.41%.							
General average per cent shortage of all print butter, — 5.87.							
*Average shortage, including 15 prints "Isleton Brand," very commonly sold here, — 6.64%.							

Store No. 16; Scales listed 1 O. K.; 1 — 9 per cent short; 1 — 3 per cent short. Per cent of packages short, — 75 per cent. Average shortage of packages, — 8.8 per cent.

Commodity.	Weight		Number		Heaviest		Lightest		Average		Errors		Average
	Pounds	Ounces	Total weight	Total weight	Pounds	Ounces	Pounds	Ounces	Pounds	Ounces	Ounces	Per cent	
Ten	8		1	1							7.62	— .38	— 4.8
Crackers (26.67 oz.)			1	1	1						26.68		O. K.
Pepper		2	1	1							1.44	— .56	— 28.
Coffee	1		1	1							15.62	— .38	— 2.4
			4	1	3								

Card No. 19; Condition of scales 2 O. K. and 1 — 3 per cent. Per cent of packages short, — 60 per cent. Average condition of packages, — 25 per cent.

Sugar	1	2	3	1	2	1	2.25	1	1.75	1	2.		O. K.
Sugar	3	8	2	1	1	3	8.	3	7.5	3	7.75	— .25	.5

Card No. 8; Condition of scale, O. K. Grand totals—Per cent of all packages short, — 82 per cent. Average shortage of all packages, — 4.5 per cent.

It will be seen at once from the above table that short weight is here the general custom rather than the rule. For out of a total of seventy-seven packages of all commodities and sizes weighed in a number of different stores, only 14, or 19 per cent, were full in weight, the remaining 81 per cent being short. And the general average shortage of every package (both full and light weight being included) is 4.5 per cent. One of the largest stores in the city, which is doing an enormous business, shows an average shortage of 3.6 per cent on all packages; the scales showing a maximum error of only 3 per cent. And in other stores the average shortages range from a practically correct average, 25 per cent to the greatest average shortage of 13.8 per cent. And in nearly every case the errors are greater than the errors of the scales in use. This not only shows that an enormous loss is being borne by the consumer, but that this loss can not be wholly estimated by the condition of the scales in use, but that additional intentional short weight must also be considered.

We believe that the above conditions point most strongly to the imperative necessity of inspection of apparatus and of the manner of sale and amount of commodities delivered the consumer. And until this is done the extent of the short weight will undoubtedly go on unchecked. The passage of the constitutional amendment and of legislation already introduced in the State Legislature is again most strongly urged as the most efficient way in which the authorities can remedy the present deplorable condition.

LEAVES OF ABSENCE.

Senator Birdsall was, on motion of Senator Bell, granted leave of absence for this day.

Senator Cassidy was, on his own motion, granted leave of absence for this day.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Martinelli asked for, and was granted, unanimous consent to take up for consideration out of order all bills on second-reading file.

Senate Bill No. 53—An Act to make appropriation for the contingent expenses of the Senate for the extra session of the thirty-ninth Legislature of the State of California during the sixty-third fiscal year.

Bill read second time, ordered engrossed, and on file for third reading.

Assembly Bill No. 56—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, and to provide for the acquisition or construction by said districts of waterworks, and

for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 39—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by adding a new section thereto to be numbered 28½, and providing for the recall of elective officers of irrigation districts.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, line 18, strike out the word "entire" and insert in lieu thereof the word "highest".

Amendment adopted.

Also:

On page 2, line 18, strike out the word "all".

Amendment adopted.

Also:

Strike out all of lines 19, 20 and 21 on page 2, and insert in lieu thereof the following: "candidates for the office, the incumbent of which is sought to be removed, at the last general election in such district at which an incumbent of such office was elected, or, in the case of the removal of the incumbent of an office elected by a subdivision of such district, such petition shall be signed by a like percentage of qualified electors of such subdivision computed upon the total number of votes cast in such subdivision for all candidates for the office the incumbent of which is sought to be removed, at the last general election in such subdivision at which an incumbent of such office was elected; and said petition shall contain a".

Amendment adopted.

Also:

On page 2, line 24, strike out the word "voters" and insert in lieu thereof the word "electors".

Amendment adopted.

Also:

On page 3, line 60, after the comma following the word "days", insert the following words: "from the date of the order calling for such election".

Amendment adopted.

Also:

On page 3, line 70, before the word "officials" insert the word "elective".

Amendment adopted.

Also:

On page 2, line 41, strike out the word "voters" and insert in lieu thereof the word "electors".

Amendment adopted.

Also:

On page 4, line 97, strike out the word "the" after the period and insert in lieu thereof the following words: "The election shall be conducted".

Amendment adopted.

Also:

On page 4, line 106, after the period following the word "law", insert the following: "If the vote at any such recall election shall not recall the officer, no further

petition for the recall of such officer shall be filed before the expiration of six months from the date of such first recall election."

Amendment adopted.

Also:

On page 3, line 62, after the word "election", insert the words "for officers of such district".

Amendment adopted.

Also:

On page 3, line 71, strike out the words and figures "22a" and insert in lieu thereof "22b".

Amendment adopted.

Also:

On page 3, strike out all of line 72, beginning with the words "Upon the sample", and all of lines 73, 74, 75, and 76, up to and including the period after the word "office" on line 76.

Amendment adopted.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 16, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bill:

Senate Bill No. 48—An Act regulating and limiting the appropriation of water and the use of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water or the use of water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for water or the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than fifty years; limiting the right to water or the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water or the use of water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for water or the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state water commission; providing the powers and duties of said water commission and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said water commission; providing for the appointment and compensation of employees and assistants to said water commission; limiting the expenses of said water commission and providing for the payment thereof; making an appropriation to carry out the provisions of this Act; fixing the place of business of said water commission; declaring the diversion of water or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of

water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control; providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act." approved April 8, 1911.

Also: Senate Joint Resolution No. 7—Relative to establishment of dry docks on the bay of San Francisco or waters tributary thereto.

And report that the same have been correctly engrossed.

AVEY, Acting Chairman.

Senate Bill No. 48 ordered on file for third reading.

Senate Joint Resolution No. 7 ordered transmitted to the Assembly.

MOTION.

Senator Hewitt moved to recall Assembly Bill No. 56 from print, for the purpose of amendment.

Motion carried.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hewitt asked for, and was granted, unanimous consent to take up Assembly Bill No. 56, for consideration out of order, for the purpose of amendment.

Assembly Bill No. 56—An Act to provide for the incorporation and organization and management of municipal water districts and to provide for the acquisition or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

During second reading of the bill, the following amendments were submitted by committee:

Strike out all the title of said Act after the words "1911," and down to "Section 1," and insert in lieu thereof the following: "by amending Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 20, 22, 24, 27, 28 of said Act, and by adding new sections thereto, to be designated as 29, 30 and 31, and by repealing Sections 16, 21 and 31 of said Act, and by amending its title to read as follows: 'An Act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.'"

The people of the State of California do enact as follows:

Amendment adopted.

Also:

Strike out Section 1, and insert in lieu thereof the following:

"SECTION 1. Section 2 of an Act entitled 'An Act to provide for the incorpora

tion and organization and management of municipal water districts," approved May 1, 1911, is hereby amended to read as follows:

Section 2. The people of any city and county, county or portion of a county, whether such portion includes unincorporated territory or not, in the State of California, may organize a municipal water district under the provisions of this Act by proceeding as herein provided."

Amendment adopted.

Also:

Strike out Section 2 and insert in lieu thereof the following:

"Sec. 2. Section 3 of said Act is hereby amended so as to read as follows:

Section 3. A petition, which may consist of any number of separate instruments, shall be presented to the county clerk of the county in which the proposed water district is located, signed by qualified electors residing within the boundaries of the proposed water district equal in number to at least ten per centum of the number of such qualified electors voting for all candidates for the office of Governor of this State at the last general election prior to the presentation of such petition. Such petition shall set forth and describe the boundaries of such proposed water district, and shall contain a prayer that such proposed water district be incorporated under the provisions of this Act; and the text of such petition shall be published for at least two weeks before the time at which the same is to be presented in at least one, but not to exceed three, newspapers printed and published in such county, together with a notice stating the time of the meeting at which same will be presented. When contained upon more than one instrument, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in such publication of said petition and notice, but the number of signers shall be stated. Within ten days of the date of the presentation of such petition, the county clerk shall examine the same and ascertain whether or not said petition is signed by the requisite qualified electors; and if requested by the county clerk, the board of supervisors shall authorize him to employ persons specially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the county clerk has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of qualified electors residing within the boundaries of such proposed water district, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be. If by the certificate of the county clerk the petition is found to be insufficient, he shall also certify to the number of qualified electors required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within ten days from the date of such certificate. The county clerk shall, within ten days after the filing of such supplemental petition or petitions, make his examination of the same and certify to the result of such examination as hereinbefore provided. If his certificate shall show any such petition or such petition as amended, to be insufficient, it shall be filed by him within the board of supervisors and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the county clerk, such petition, or such petition as amended, is shown to be sufficient, the county clerk shall present the same to the board of supervisors without delay. The sufficiency or insufficiency of such petition shall not be subject to review by the board of supervisors.

If any supplemental petition be filed, all the signatures appended to the petition and to the supplemental petition or petitions shall be considered in determining the number of qualified electors signing the petition. After an election for the incorporation of such proposed water district, the sufficiency of such petition in any respect shall be subject to judicial review or be otherwise questioned. If the county in which such proposed water district is located shall have a registrar of voters other than the county clerk, upon the presentation of the petition herein mentioned to the county clerk, he shall forthwith deliver the same to such registrar of voters, who shall perform the duties herein required to be performed by the county clerk respecting the examination and certification of such petition; and said registrar of voters shall return said petition, immediately upon the completion of such examination, together with his certificate showing the result of such examination, to the county clerk, who shall thereupon present such petition, together with the certificate of the registrar of voters attached thereto to the board of supervisors. When such petition is presented, the board of supervisors shall give notice of an election to be held in said proposed water district for the purpose of determining whether or not the same shall be incorporated. Such notice shall describe the boundaries so established and shall state the proposed name of the proposed incorporation (which name shall contain the words "_____ municipal water district"), and such notice shall be published at least four weeks prior to such election in at least one, but not to exceed three, newspapers printed and published in said county. At such election the proposition to be submitted shall be: "Shall the proposition to organize _____ municipal water district under (naming the chapter containing this Act) of the

Acts of the extra session of the thirty-ninth session of the California Legislature be adopted?" And the election thereupon shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to general elections, so far as they may be applicable, except as in this act otherwise provided. No person shall be entitled to vote at any election under the provisions of this Act unless such person possesses all the qualifications required of electors under the general election laws of the State. Within four days after such election the vote shall be canvassed by the board of supervisors. If a majority of the votes cast at such election shall be in favor of organizing such municipal water district, said board shall by an order entered on its minutes declare the territory included within the proposed boundaries duly organized as a municipal water district under the name theretofore designated, and the county clerk shall immediately cause to be filed with the Secretary of State and shall cause to be recorded in the office of the county recorder of the county in which said district is situated, each, a certificate stating that such a proposition was adopted. Upon the receipt of such last mentioned certificate the Secretary of State shall, within ten days, issue his certificate reciting that the municipal water district (naming it) has been duly incorporated according to the laws of the State of California. A copy of such certificate shall be transmitted to and filed with the county clerk of the county in which such municipal water district is situated. From and after the date of filing said certificate with the Secretary of State, the district named therein shall be deemed incorporated as a municipal water district, with all the rights, privileges and powers set forth in this act and necessarily incident thereto. In case less than a majority of the votes cast are in favor of said proposition the organization fails, but without prejudice to renewing proceedings at any time after six months from date of said election."

Amendment adopted.

Also:

Strike out Sec. 3 of the bill and insert in lieu thereof the following:

"Sec. 3. Section 4 of said Act is hereby amended so as to read as follows:

Section 4. At an election to be held within such water district under the provisions of this Act and the laws governing general elections not inconsistent herewith, the municipal water district thus organized shall proceed within ninety days after its formation to the election of a board of directors consisting, if there are no municipalities within the boundaries of said district, of five members. In all cases where the boundaries of such water district include any municipality or municipalities, said board of directors, in addition to said five directors to be elected as aforesaid, shall consist of one additional director for each one of said municipalities within such municipal water district, each such additional director to be appointed by the mayor of the municipality for which said additional director is allowed; and if there be any unincorporated territory within said water district, of one additional director, to be appointed by the said board of supervisors. Any director so appointed need not be an elector or resident of said district. All directors, elected or appointed, shall hold office until the election and qualification or appointment and qualification of their successors. The term of office of directors elected under the provisions of this Act shall be four years from and after their election; *provided*, that the directors first elected after the passage of this Act shall hold office only until the election and qualification of their successors as hereinafter provided. The term of office of directors appointed by said mayor or mayors or by said board of supervisors shall be six years from and after the date of appointment. Directors to be first appointed under the provisions of this Act shall be appointed within ninety days after the formation of the district. The election of directors of such municipal water district shall be in every fourth year after its organization, on the fourth Tuesday in March, and shall be known as the general water district election. A second election shall be held, when necessary, as hereinafter provided, on the third Tuesday after such general election, and shall be known as the second water district election. All other elections which may be held by authority of this Act, or of the general laws, shall be known as special water district elections."

Amendment adopted.

Also:

Strike out Sec. 4 of the bill and insert in lieu thereof the following:

"Sec. 4. Section 5 of said Act is hereby amended so as to read as follows:

Section 5. (1) The mode of nomination and election of all elective officers of such water district to be voted for at any water district election and the mode of appointment of a director or directors by said mayor or mayors or by said board of supervisors shall be as follows and not otherwise.

(2) The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

(3) The petition of nomination shall consist of not less than twenty-five individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION.

INDIVIDUAL CERTIFICATE.

STATE OF CALIFORNIA, _____

COUNTY OF _____, ss.

Præct. No. _____

I, the undersigned, certify that I do hereby join in a petition for the nomination of _____, whose residence is at No. _____ street, for the office of _____ of the _____ municipal water district to be voted for at the water district election to be held in the _____ municipal water district on the _____ day of _____, 19____; and I further certify that I am a qualified elector residing within said district, and am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office; that my residence is at No. _____ street, _____ and that my occupation is _____.

(Signed) _____

STATE OF CALIFORNIA, _____

COUNTY OF _____, ss.

_____, being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public or Verification Deputy.

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to _____ at No. _____ street, _____, California.

(4) It shall be the duty of the county clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

(5) Each certificate must be a separate paper. All certificates must be of uniform size as determined by the county clerk. Each certificate must contain the name of one signer thereto and no more. Each signer must be a qualified elector residing within said district, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true, before a notary public or a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

(6) Verification deputies, under this section, must be qualified electors of such municipal water district, and shall be appointed by the county clerk or clerks upon application in writing, signed by not less than five qualified electors of such municipal water district. The application shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for office in said municipal water district at an election therein specified, and that the applicants desire the person or persons whose names and addresses are given appointed as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions or nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purposes whatsoever, and their appointments shall continue only until all petitions of nomination, under this section, shall have been filed by the county clerk.

(7) A petition of nomination, consisting of not less than twenty-five individual certificates, for any one candidate, may be presented to the county clerk not earlier than forty-five days nor later than thirty days before the election. The county clerk shall endorse thereon the date upon which the petition was presented to him.

(8) When a petition of nomination is presented for filing to the county clerk, he shall forthwith examine the same, and ascertain whether or not it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this section. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary, the board of supervisors shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this section.

(9) Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the county clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

(10) Any person whose name has been presented under this section as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the county clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If, upon such withdrawal, the number of candidates remaining does not equal the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

(11) If either the original or amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn or added to and no signature shall be revoked thereafter.

(12) The county clerk shall preserve in his office for a period of two years, all petitions of nomination and all certificates belonging thereto, filed under this section.

(13) Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty days before the election certify such list as being the list of candidates nominated as required by the provisions of this Act, and the board of supervisors shall cause said certified list of names and the offices to be filled, to be published in the proclamation calling the election at least ten successive days before the election in at least one but not more than three newspapers of general circulation published in the county in which such municipal water district is located. Such proclamation shall conform in all respects to the general state law governing the conduct of general elections now or hereafter in force, applicable thereto, except as otherwise herein provided.

(14) The county clerk shall cause the ballots to be printed and bound and numbered as provided by said general state law, except as otherwise required in this Act. The ballots shall contain the list of names and the respective offices as published in the proclamation and shall be in substantially the following form:

GENERAL (OR SPECIAL) DISTRICT ELECTION.

MUNICIPAL WATER DISTRICT.

(Inserting date thereof).

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election, and obtain another.

(15) All ballots printed shall be precisely on the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the name of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right-hand side for questions to be voted upon at municipal water district elections, as provided for under this Act. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

(16) The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

(17) The offices to be filled shall be arranged in the following order: 'For director vote for (giving number).'

(18) Half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

(19) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

(20) The county clerk shall cause to be printed sample ballots, identical with the ballot to be used at the election, and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

(21) In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, as that of director, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; *provided, however*, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one half the number of ballots cast at such election.

(22) If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election; *provided*, that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for any office, except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office.

(23) The said second election, if necessary to be held, shall be held three weeks after the first election.

(24) All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that notice of election need be published twice only; *and provided, also*, that the same precincts and polling places shall, if possible, be used.

(25) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as hereinafter provided.

(26) The mode of appointment of director or directors by the mayor or mayors, or by the board of supervisors, shall be by certificate of appointment signed by said mayor or mayors, or issued by said board of supervisors, and transmitted to the board of directors of said water district.

(27) No informality in conducting municipal water district elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this Act."

Amendment adopted.

Also:

Strike out Section 5 of the bill and insert in lieu thereof the following:

"SEC. 5. Section 6 of said Act is hereby amended so as to read as follows:

Section 6. The provisions of the law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of general elections, so far as they may be applicable shall govern all water district elections, except as in this Act otherwise provided; *provided*, that the board of supervisors shall canvass the returns of the election or elections held to select the first board of directors, as herein provided, and that thereafter, except as herein provided, the board of directors shall meet as a canvassing board and duly proceed to canvass the returns within four days after any water district election, including any water district bond election."

Amendment adopted.

Also:

Strike out Sec. 6 of the bill and insert in lieu thereof the following:

"SEC. 6. Section 7 of said Act is hereby amended so as to read as follows:

Section 7. Every incumbent of an elective office, whether elected by popular vote for a full term, or elected by the board of directors to fill a vacancy, or appointed by a mayor or mayors or by said board of supervisors for a full term, is subject to recall by the voters of any municipal water district organized under the provisions of this Act, in accordance with the recall provisions of the general laws of the State with reference to municipal corporations."

Amendment adopted.

Also:

Strike out Section 7 of the bill and insert in lieu thereof the following:

"SEC. 7. Section 8 of said Act is hereby amended so as to read as follows:

Section 8. The board of directors shall be the governing body of such municipal water district. It shall hold its first meeting on the sixth Monday after the first general election for the election of directors as herein provided; it shall choose one of its members president, and shall thereupon provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All legislative sessions of the board of directors whether regular or special shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. The board of directors shall establish rules for its proceedings."

Amendment adopted.

Also:

Strike out Section 8 of the bill and insert in lieu thereof the following:

"Sec. 8. Section 9 of said Act is hereby amended so as to read as follows:

Section 9. The board of directors shall act only by ordinance or resolution. The ayes and noes shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the board of directors. No ordinance or resolution shall be passed or become effective without the affirmative votes of at least a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be in these words: 'Be it ordained by the board of directors of ----- municipal water district as follows:'. All resolutions and ordinances shall be signed by the president of the board of directors and attested by the secretary. Each of the members of the board of directors shall receive for each attendance at the meetings of the board ten dollars, and shall receive no other compensation. No director, however, shall receive pay for more than three meetings in any calendar month. Any vacancy in the board of directors, whether the vacant office is elective or appointive, shall be filled by the remaining directors and the person so chosen shall hold office for the remainder of the unexpired term."

Amendment adopted.

Also:

Strike out Section 9 of the bill and insert in lieu thereof the following:

"Sec. 9. Section 10 of said Act is hereby amended so as to read as follows:

Section 10. The board of directors shall at its first meeting, or as soon thereafter as practicable, appoint, by a majority vote, a general manager, a secretary, and an auditor. No director shall be eligible to the office of general manager, secretary, or auditor. The general manager, secretary, and auditor shall receive such compensation as the board of directors shall determine, and each shall serve at the pleasure of the board."

Amendment adopted.

Also:

Strike out Section 10 and Section 11 of the bill.

Amendment adopted.

Also:

Strike out Section 12 of the bill and insert in lieu thereof the following:

"Sec. 10. Section 12 of said Act is hereby amended so as to read as follows:

Section 12. Any municipal water district incorporated as herein provided shall have power:

1. To have perpetual succession;
2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;
3. To adopt a seal and alter it at pleasure;
4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the district, necessary to the full exercise of its powers;
5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges, and construct, maintain and operate conduits, pipe lines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system for the benefit of the district, and to complete, extend, add to, repair, or otherwise improve any waterworks or waterworks system acquired by it as herein authorized;
6. To lease of and from any person, firm, or public or private corporation, with the privilege of purchasing or otherwise, existing waterworks or a waterworks system and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the district to municipalities, and to other public corporations within the district, and to the inhabitants of such municipalities and of other territory within the district, for use within said district, without any preference, and it may, whenever there is a surplus of water above that which may be required by such consumers within said district, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or other consumers;
7. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the district or any portion thereof with water, whether such property be already devoted to the same use, or is capable of being devoted to the same use, and may condemn any existing waterworks or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation. In proceedings relative to the exercise of such right, the district shall have the same rights, powers and privileges as a municipal corporation;

8. To borrow money and incur indebtedness and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness or lien that may exist against the district or property thereof;

9. To cause taxes to be levied for the purpose of paying any obligation of the district in the manner hereinafter provided;

10. To make contracts, to employ labor, and do all acts necessary for the full exercise of the foregoing powers.

11. In case of condemnation proceedings the board shall proceed in the name of the district."

Amendment adopted.

Also:

Strike out Section 13 of the bill and insert in lieu thereof the following:

"SEC. 11. Section 13 of said Act is hereby amended so as to read as follows:

Section 13. The powers herein enumerated shall, except as herein otherwise provided, be exercised by the board of directors above provided for and elected and appointed as prescribed herein."

Amendment adopted.

Also:

Strike out Section 14 of the bill and insert in lieu thereof the following:

"SEC. 12. Section 14 of said Act is hereby amended so as to read as follows:

Section 14. The president shall sign all contracts on behalf of the district and perform such other duties as may be imposed by the board of directors. The secretary shall countersign all contracts on behalf of the district and perform such other duties as may be imposed by the board of directors. The secretary shall give his full time during office hours to the affairs of the district. The general manager shall have full charge and control of the maintenance, operation and construction of the waterworks or waterworks system of said water district, with full power and authority to employ and discharge all employees and assistants at pleasure, prescribe their duties, and shall, subject to the approval of the board of directors, fix their compensation. The general manager shall perform such other duties as may be imposed upon him by the board of directors. The general manager shall report to the board of directors in accordance with such rules and regulations as they may adopt. The auditor shall be charged with the duty of installing and maintaining a system of auditing and accounting that shall completely and at all times show the financial condition of the district. He shall draw warrants to pay demands made against the district when such demands have been first approved by at least three of the members of the board of directors and by the general manager. The board of directors shall also designate a depository or depositories to have the custody of the funds of the district, all of which depositories shall give security sufficient to secure the district against possible loss, and who shall pay the warrants drawn by the auditor for demands against the district under such rules as the directors may prescribe. The general manager, secretary and auditor, and all other employees or assistants of said district who may be required so to do by the board of directors, shall give such bonds to the district conditioned for the faithful performance of their duties as the board of directors from time to time may provide."

Amendment adopted.

Also:

Strike out Section 15 of the bill and insert in lieu thereof the following:

"SEC. 13. Section 15 of said Act is hereby amended so as to read as follows:

Section 15. Whenever the board of directors deem it necessary for the district to incur a bonded indebtedness, it shall, by resolution, so declare and state the proposition to be submitted to the electors, the purpose for which the proposed debt is to be incurred, the amount of debt to be incurred, the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed forty years, and the maximum rate of interest to be paid, which shall not exceed five per cent per annum. The board of directors shall fix a date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred. It shall be the duty of the board of directors to provide for holding such special election on the days so fixed and in accordance with the general election laws of the State so far as the same shall be applicable, except as herein otherwise provided. Such board of directors shall give notice of the holding of such election, which notice shall contain the resolution adopted by the board of directors of the water district, boundaries of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. Such notice shall be published for two weeks in at least one newspaper and not more than three newspapers published in such water district, which newspaper or newspapers shall be designated by the board of directors; and if there

is no newspaper printed in such water district, then by posting such notice in three public places therein. All the expenses of holding such election shall be borne by the district. The returns of such election shall be made, the votes canvassed by said board of directors on the first Monday following said election, and the results thereof ascertained and declared in accordance with the general election laws of the state so far as they may be applicable, except as herein otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted. In all respects not otherwise provided for herein said election shall be called, managed and directed as is by law provided for general elections in this State applicable thereto, except as herein otherwise provided."

Amendment adopted.

Also:

Strike out Section 16 of the bill and insert in lieu thereof the following:

"SEC. 14. Section 16 of said Act is hereby repealed."

Amendment adopted.

Also:

Strike out Section 17 of the bill and insert in lieu thereof the following:

"SEC. 15. Section 17 of said Act is hereby amended so as to read as follows:

Section 17. If from such returns it appears that more than two thirds of the votes cast at such election were in favor of and assented to the incurring of such indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, provide for the form and execution of such bonds and for the issuance of any part thereof, and may sell or dispose of the bonds so issued at such times or in such manner, either for cash in lawful money of the United States or its equivalent, as it may deem to be to the public interest."

Amendment adopted.

Also:

Strike out Section 18 of the bill and insert in lieu thereof the following:

"SEC. 16. Section 19 of said Act is hereby amended so as to read as follows:

Section 19. The board of directors shall have power to construct works across any stream of water, water course, street, avenue, highway, railway, canal, ditch, or flume which the route of said works may intersect or cross; *provided*, such works are constructed in such manner as to afford security for life and property, and said board of directors shall restore the crossings and intersections to their former state as near as may be, or in a manner not to have impaired unnecessarily their usefulness. Every company whose right of way shall be intersected or crossed by said works shall unite with said board of directors in forming said intersections and crossings and grant the rights therefor. The right of way is hereby given, dedicated and set apart to locate, construct and maintain said works over and through any of the lands which are now or may be the property of this State, and to have the same rights and privileges appertaining thereto as have been or may be granted to the municipalities within the State."

Amendment adopted.

Also:

Strike out Section 19 of the bill and insert in lieu thereof the following:

"SEC. 17. Section 20 of said Act is hereby amended so as to read as follows:

Section 20. The board of directors shall fix all water rates and through the general manager collect the charges for the sale and distribution of water to all consumers."

Amendment adopted.

Also:

Add a new section to the bill following the last amended section, as follows:

"SEC. 18. Section 21 of said Act is hereby repealed."

Amendment adopted.

Also:

Strike out Section 20 of the bill and insert in lieu thereof the following:

"SEC. 19. Section 22 of said Act is hereby amended so as to read as follows:

Section 22. The board of directors in the furnishing of water shall fix such rate as will pay the operating expenses of the district, provide for repairs and deprecia-

tion of works owned or operated by it, pay the interest on any bonded debt, and, so far as possible, provide a sinking or other fund for the payment of the principal of such debt as it may become due; it being the intention of this section to require the district to pay the interest and principal of its bonded debt from the revenues of the district."

Amendment adopted.

Also:

Strike out Section 21 of the bill.

Amendment adopted.

Also:

Strike out Section 22 of the bill and insert in lieu thereof the following:

"SEC. 20. Section 24 of said Act is hereby amended so as to read as follows:

Section 24. The board of directors shall determine the amount necessary to be raised by taxation and shall fix a rate of tax to be levied which will raise the amount of money required by the district, and within a reasonable time previous to the time when the board of supervisors is required by law to fix its tax rate, certify to the board of supervisors the rate so fixed with a direction that at the time and in the manner required by law for the levying of taxes for county purposes, such board of supervisors shall levy and collect a tax in addition to such other tax as may be levied by such board of supervisors at the rate so fixed and determined, and it is made the duty of the officer or body having authority to levy taxes within each county to levy the tax so required. And it shall be the duty of all county officers charged with the duty of collecting taxes to collect such tax in time, form, and manner as county taxes are collected, and when collected to pay the same to the district ordering its levy and collection. Such tax shall be a lien on all property within the territory comprising the district and of the same force and effect as other liens for taxes, and its collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes."

Amendment adopted.

Also:

Strike out Section 23 and Section 24 of the bill.

Amendment adopted.

Also:

Strike out Section 25 of the bill and insert in lieu thereof the following:

"SEC. 21. Section 27 of said Act is hereby amended so as to read as follows:

Section 27. Any portion of a county or any municipality, or both, may be added to any water district organized under the provisions of this Act, at any time, upon petition presented in the manner herein provided for the organization of such water district, which petition may be granted by ordinance of the board of directors of such water district. Such ordinance shall be submitted for adoption or rejection to the vote of the electors in such water district and in the proposed addition at a general or special election held as herein provided, within seventy days after the adoption of such ordinance. If such ordinance is approved, the president and secretary of the board of directors shall certify that fact to the Secretary of State and to the county recorder of the county or counties in which such water district is located. Upon the receipt of such last mentioned certificate the Secretary of State shall, within ten days, issue his certificate, reciting the passage of said ordinance and the addition of said territory to said district. A copy of such certificate shall be transmitted to and filed with the county clerk in which such municipal water district is situated. From and after the date of such certificate the territory named therein shall be deemed added to and form a part of said municipal water district, with all the rights, privileges and powers set forth in this Act and necessarily incident thereto."

Amendment adopted.

Also:

Strike out Section 26 of the bill and insert in lieu thereof the following:

"SEC. 22. Section 28 of said Act is hereby amended so as to read as follows:

Section 28. Nothing in this Act shall be so construed as repealing or in any wise modifying the provisions of any other Act relating to water or the supply of water to, or the acquisition thereof by municipalities within this State. The term 'municipality,' as used in this Act, shall include a consolidated city and county, city or town, and shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing and those hereafter

organized for municipal purposes within such water districts. In municipalities in which there is no mayor the duty imposed upon said officer by the provisions of this Act shall be performed by the president of the board of trustees or other chief executive of the municipality. The word 'district' shall apply, unless otherwise expressed or used, to a water district formed under the provisions of this Act, and the word 'board' and the words 'board of directors' shall apply to the board of directors of such district."

Amendment adopted.

Also:

Strike out Sections 27 and 28 of the bill and insert in lieu thereof the following: "Sec. 23. A new section is hereby added to said Act to be known as Section 29, as follows:

Section 29. If there shall be a registrar of voters, other than the county clerk, in any city or city and county in which any water district proposed to be incorporated, or incorporated under the provisions of this Act is situated, the duties required by this Act to be performed by the county clerk respecting the nomination of candidates for offices of such water district, and the holding of elections in such water district shall be performed by such registrar of voters.

Sec. 24. A new section is hereby added to said Act, to be known as Section 30, as follows:

Section 30. Any and all proceedings had or taken under the provisions of the Act of which this Act is amendatory, already commenced and pending at the time this Act takes effect, shall be continued under the provisions of the Act of which this Act is amendatory with the same force and effect as if this Act had not been enacted."

Amendment adopted.

Also:

Add a new section to the bill, to be known as Section 25, as follows:

"Sec. 25. Section 31 of said Act is hereby repealed."

Amendment adopted.

Also:

Add a new section to the bill to be known as Section 26, as follows:

"Sec. 26. A new section is hereby added to said Act, to be known as Section 31, as follows:

Section 31. The title of said Act is hereby amended so as to read as follows: An Act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Hewitt, the Secretary was directed to issue a rush order for printing Assembly Bill No. 56.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Wright asked for, and was granted, unanimous consent to take up for consideration out of order all bills on third reading files.

Assembly Bill No. 8—An Act to amend Section 4021a of the Political Code providing for the recall of elective officers of counties and subdivisions thereof.

On motion of Senator Juilliard, Assembly Bill No. 8, was temporarily passed on file, to retain its place.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At three o'clock and ten minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 22—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149e and 4149f, providing for the appointment of a registrar of voters, prescribing his duties, and fixing his term of office.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 22, finally passed by the following vote:

AYES—Senators Avey, Bell, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Shanahan, Strobridge, Thompson, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Bell asked for, and was granted, unanimous consent to withdraw Senate Bill No. 17—An Act to amend section ten hundred and eighty-three of the Political Code of the State of California, relating to and defining qualified electors.

Senate Bill No. 17 ordered withdrawn, and stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 26—An Act to amend Section 17 of the Political Code of the State of California, relating to definitions of certain terms used in said Code.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Avey moved a call of the Senate.

Motion carried.

Time, three o'clock and seventeen minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Shanahan, Strobridge, Thompson, and Wright—21.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and thirty-five minutes P. M., Senators Cartwright and Sanford were brought to the bar of the Senate, and, on motion of Senator Campbell, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and forty minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Avey.

The roll of absentees was called, and Assembly Bill No. 26 finally passed by the following vote:

AYES—Senators Avey, Bell, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Strobridge, Thompson, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 50—An Act to repeal Section 1202 of the Political Code of the State of California, relating to ballot clerks—additional election officers.

Read third time.

On motion of Senator Thompson, Assembly Bill No. 50 was temporarily passed on file, to retain its place.

Assembly Bill No. 49—An Act to amend Sections 1142 and 1204 of the Political Code of the State of California, relating to the board of election and manner of voting.

On motion of Senator Thompson, Assembly Bill No. 49 was temporarily passed on file, to retain its place.

Assembly Bill No. 48—An Act to amend Section 1151 of the Political Code of the State of California, relating to boards of elections for special election precincts—poll lists.

On motion of Senator Thompson, Assembly Bill No. 48 was temporarily passed on file, to retain its place.

Assembly Bill No. 41—An Act to amend Section 1 of an Act entitled "An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of acquiring such land," approved April 22, 1909, to extend its operation to the acquirement of land for public library purposes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 41 finally passed by the following vote:

AYES—Senators Avey, Bell, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Strobridge, Thompson, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1—An Act to provide for the organization of the railroad commission, to define its powers and duties and the powers and

duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1 finally passed by the following vote:

AYES—Senators Avey, Bell, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Strobridge, Thompson, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

EXPLANATION OF VOTE.

After the vote on Assembly Bill No. 1 was taken, Senator Curtin arose and stated that he would like to have an explanation of his vote on Assembly Bill No. 1 printed in the Journal of Monday next.

SENATOR CUTTEN IN THE CHAIR.

At four o'clock P. M., Senator Cutten of the First District, in the chair.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Campbell, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 11—Relative to printing statutes of thirty-ninth extra session of Legislature.

L. B. MALLORY, Chief Clerk of the Assembly.

By A. H. HARLIN, Assistant Clerk.

Assembly Concurrent Resolution No. 11 ordered referred to Committee on Printing.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 7—An Act to add a new section to the Political Code of the State of California, to be numbered 1095a, relating to the form of affidavits of registration, and the manner of executing and returning the same, and providing penalties for the violation of said section.

Also: Assembly Bill No. 64—An Act to amend Section 1197 of the Political Code, relating to election ballots.

Also: Assembly Bill No. 70—An Act to amend Sections 1096 and 1097 of the Political Code, relating to elections and the registrations of voters.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

Assembly Bills Nos. 7, 64 and 70 read first time, and ordered referred to Committee on Elections and Election Laws.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on December 15, 1911, passed Assembly Bill No. 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bill No. 66 read first time, and ordered referred to Committee on Apportionment and Representation.

CONSIDERATION OF BILLS—OUT OF ORDER.

Senator Boynton asked for, and was granted, unanimous consent to take up for consideration out of order all Senate bills on third reading file.

Senate Joint Resolution No. 5—Referring to the Yosemite Valley and Mariposa grove of big trees.

Senate Joint Resolution No. 5 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Joint Resolution No. 3—Relative to restricting Japanese and other Asiatic immigration.

On motion of Senator Sanford, Senate Joint Resolution No. 3 was temporarily passed on file, to retain its place.

SENATE JOINT RESOLUTION No. 9.

Relative to the continuance by the United States of the Government line of steamers from eastern seaports to Colon, in the canal zone, and the extension thereof to Pacific seaports, on the western coast of the United States, on the completion of the Panama Canal.

WHEREAS, There is maintained and operated by the United States from eastern seaports of our country to Colon, in the "canal zone," a government line of steamers for the transportation of freight consisting of supplies for use in the construction of the Panama Canal, and of certain merchandise for the Pacific coast states; the latter transhipped from Avon on the western end of the government railways across the Isthmus of Panama, to steamers operated by private corporations, plying between Avon and Pacific coast ports;

WHEREAS, On the completion of said canal, public interests and the necessities of those interested in western commerce, demand that the government-owned vessels now in the service on the Atlantic side, be not only continued in operation as now, but extended to Pacific seaports, on the western coast of the United States;

WHEREAS, The failure to so continue and extend such government service would reopen the struggle between the producers and shippers of California and sister states, on the one side, and the steamship companies acting in concert with the transcontinental railways on the other; and thus, to a great extent, restore the unfavorable conditions, that will, in the future, and as they were, in the past, be manipulated and controlled by transcontinental railways and their allies;

WHEREAS, The experience of our producers and shippers in the past, should warn those in authority and the people, to avoid a similar danger in the future; particularly when its repetition will greatly impair the benefits that should accrue to them and to the country at large, by the construction and operation of such canal under the auspices of the Government of the United States; therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the legislature of the State of California, respectfully urge the Congress of the United States, to enact such legislation as will continue after the completion of the Panama Canal, such government line of steamers, and extend their service, with

such additional steamers and facilities as may be necessary, to Pacific seaports, on the western coast of the United States; be it further

Resolved, That our Senators in Congress be instructed, and our Representatives in Congress requested, to use all honorable means to secure the enactment of the aforesaid legislation; be it further

Resolved, That duly authenticated copies of these resolutions be transmitted to the Senate and House of Representatives of the United States, and to each of our Senators and Representatives, in Congress.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 9 adopted by the following vote:

AYES—Senators Bell, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cullen, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Strobridge, Thompson, and Wright—22.

NOES—None.

Senate joint resolution transmitted to the Assembly.

Senate Bill No. 37—An Act to amend Section 3494 of the Political Code of the State of California, relating to the sale of school lands.

Senate Bill No. 37 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 47—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Senate Bill No. 47 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Concurrent Resolution No. 3—Relative to the teaching of patriotism in the public schools of California.

On motion of Senator Boynton, Senate Concurrent Resolution No. 3 was temporarily passed on file, to retain its place.

Senate Bill No. 7—An Act making an appropriation for the purpose of carrying out the provisions of the California Railroad Commission Act.

Read third time.

On motion of Senator Burnett, Senate Bill No. 7 was temporarily passed on file, to retain its place.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 16, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 46—An Act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

Also: Senate Bill No. 44—An Act to provide for submitting to the qualified electors of every city and county, or incorporated city or town, in this State the question whether such city and county, or incorporated city or town, shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the

qualified electors of any such city and county, or incorporated city or town, shall have voted to retain such powers or to reinvest such city and county, or incorporated city or town, with such powers, in case the qualified electors thereof have voted to surrender such powers.

And report that the same have been correctly engrossed.

AVEY, Acting Chairman.

Senate Bills Nos. 46 and 44 ordered on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Caminetti asked for, and was granted, unanimous consent to take up Senate Bill No. 46 for consideration out of order.

Senate Bill No. 46—An Act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights, or construction thereby of water-works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

On motion of Senator Caminetti, Senate Bill No. 46 was temporarily passed on file, to retain its place.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hewitt asked for, and was granted, unanimous consent to take up Senate Bill No. 44 for consideration out of order.

Senate Bill No. 44—An Act to provide for submitting to the qualified electors of every city and county, incorporated city or town in this State the question whether such city and county, or incorporated city or town shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the voters of any such city and county or incorporated city or town shall have voted to retain such powers or to reinvest such city and county or incorporated city or town, with such powers, in case the voters thereof have voted to surrender such powers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 44 passed by the following vote:

AYES—Senators Avey, Bell, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Strobridge, Thompson, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY JOINT RESOLUTION No. 3.

Relative to a bill before Congress, known as the "Suloway Bill," for the relief of the Veterans of the Civil War.

WHEREAS, There is now pending in the Congress of the United States a bill for the relief of the "Civil War Veterans" known as the "Suloway Bill"; therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly. That our Senators in Congress be and they are hereby instructed and our Representatives requested to support by their vote and voice said Suloway bill; be it further

Resolved. That a copy of this resolution be transmitted by the Chief Clerk of the Assembly to each of our Senators and Representatives in Congress.

Assembly joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 3 adopted by the following vote:

AYES—Senators Avey, Bell, Boynton, Burnett, Caminetti, Cartwright, Curtin, Cullen, Gates, Hewitt, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Strobbridge, Thompson, and Wright—21.

NOES—None.

Title read and approved.

Assembly joint resolution ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, December 16, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 67—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

HEWITT, Chairman.

Assembly Bill No. 67 ordered on file for second reading.

ADJOURNMENT.

At four o'clock and thirty-five minutes P. M., on motion of Senator Bell, the acting President declared the Senate adjourned until Monday, December 18, 1911, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,

Monday, December 18, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cullen, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Father John H. Ellis, of Sacramento.

READING OF THE JOURNAL.

During the reading of the Journal of Saturday, December 16, 1911, the further reading was dispensed with, on motion of Senator Rush.

ADDRESS BY SENATOR JULLIARD.

Mr. President and Gentlemen: For the first time in the history of this Senate there is here displayed this morning, in prominent and proper position, our State's official flag, the Bear Flag of California. It is now unfurled in this Chamber, as is the national emblem, the Stars and Stripes. This is right, and as it should be. Thanks to the care, thought and effort of Senator Holahan, the Bear Flag became the official flag of California, by legislative enactment adopted at the last session of this Legislature. Hence, it is with right and authority that these two sacred and revered emblems now decorate these legislative halls.

The Bear Flag particularly appeals to every Californian, for its history is so unusual, stirring and unique; and because it is so peculiarly emblematic of California and her sturdy pioneers.

As a culmination of important events, then transpiring, this flag was raised at the city of Sonoma, by a brave and loyal band of pioneers numbering only forty souls. That city was the seat of the civil and military government of the most northerly department in California of the Mexican Government.

With bravery never surpassed and seldom equaled, this sturdy band declared their independence and freedom from Mexican rule, and in token of such declaration on June 14, 1846, flung to the breezes this historic emblem. Thus was created the "California Republic." The city was captured, prisoners were taken and the new republic proclaimed. This new republic existed for only twenty-six days, for on July 9, 1846, Lieutenant Jos. W. Revere of the United States Army raised the Stars and Stripes with authority, and took possession of the city and surrounding territory in the name of the United States of America; similar action was taken as to other parts of the former Mexican Province of California, under the proclamation and orders from Commodore Sloat, commanding the American fleet, then at Monterey Bay.

The celebrated Bear Flag party, then garrisoning Sonoma, was enlisted by Lieutenant Revere into the United States service, and to retain their identity and preserve the sentiment, this "Sonoma Troop of the California Battalion" adopted the bear and star as their emblems and placed the same upon the troop guidons.

The Bear Flag appeals to me especially, Mr. President, for it was raised in the county which I have the honor to represent in this Senate. "Old Sonoma" is rich in historic lore, for the foreign flags of Spain, Russia and Mexico at different times have floated over her lands in token of their ownership. And while the Bear Flag Republic existed for only a few days, it was regarded, by those participating in the stirring events of the time, that the new government was to last only until the older, greater and established republic, that of the United States, could take possession of this territory by her duly accredited officers. The greater part of the army and navy followed, and California soon became a part of the only republic.

I have the pleasure to know several members of that celebrated Bear Flag party, also two of the three Mexican prisoners taken by the party at Sonoma, one of these prisoners was the Mexican Military Commandant, General Mariano Guadalupe Vallejo, a refined and chivalrous gentleman, who became a prominent and loyal American citizen, having been elected from Sonoma County a member to the first Constitutional Convention held at Monterey on August 1, 1849, and was also elected the first State Senator from Sonoma County, serving with marked fidelity and consistent ability.

But I am reminded that these remarks must be brief under existing conditions, though much remains unsaid.

In conclusion, let me say, Mr. President, that all of us appreciate the fact that these two glorious flags are now displayed in these halls for look at those men to all persons the highest and best lessons of patriotism and loyalty; loyalty to our splendid State, and loyalty and fealty to our grand old Republic.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER SACRAMENTO, December 18, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrolment have examined the foregoing Senate Bill No. 50—An Act to amend Section 1254 of the Penal Code of the State of California, relating to salaries and fees of officers in counties of the fifth class—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 50 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 18, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following: Senate Bill No. 20—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by Congress to the State of California for the benefit of the public schools, and internal improvements, authorizing the conveyance of land by officers of the State for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions hereof—and report that the same has been correctly reengrossed.

CASSIDY, Chairman.

Senate Bill No. 20 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 18, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 53—An Act to make an appropriation for the contingent expenses of the Senate for the extra session of the thirty-ninth Legislature of the State of California during the sixty-third fiscal year.

Also: Senate Joint Resolution No. 9—Relative to the continuance by the United States of the government line of steamers from eastern seaports to Colon, in the canal zone, and the extension thereof to Pacific seaports, on the western coast of the United States, on the completion of the Panama Canal.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 53 ordered on file for third reading.

Senate Joint Resolution No. 9 ordered transmitted to the Assembly.

EXPLANATION OF VOTE.

Senator Curtin presented the following explanation of his vote upon the final passage of Assembly Bill No. 1, asked for, and was granted, unanimous consent that it be printed in the Journal:

In voting for the passage of Assembly Bill No. 1, known as the "Public Utility Bill," I voted against my better judgment, and in so doing yielded to the judgment of my brethren in the Senate.

In so far as this bill provides for a regulation of the charges to be imposed by public service corporations, it is a necessary and proper enactment. No public service corporation, after its property rights are determined, its values appreciated, and its future well assured, has a right—legal or moral—to exact more than a just return upon its investment, and which "return" is generally agreed to be the current rate of interest which prevails along other lines of investment. But to apply that rule to a corporation whose project has not yet been completed, whose operative property is undergoing changes necessary to bring it to a proper efficiency, whose financial needs differ necessarily from that of a fully developed corporation, would, if uniformity of charges prevailed, be disastrous, as profits and risks ought to be commensurate. But those conditions can be understood and appreciated and fully and fairly dealt with, and therefore those provisions of the bill which deal with the rate-making power of the commission have my full approval.

But as to that portion of the bill which deals with the stocks and bonds of a corporation, which gives the commission power to, in effect, say whether new enterprises shall be undertaken, upon what terms or conditions, those who undertake to develop the resources of this State, may so do,—to say whether their bonds shall be sold at a premium, or at a discount, to what extent such bonds may be sold, to determine whether much or little of the money thought by the directors to be necessary to be raised shall be raised, to determine whether a bond issue of a given sum, part of which has been sold, is valid or invalid as to the part unsold, to determine the proportion of bonds issued to capital stocks paid up, to advise the public whether the projectors can carry out the undertaking, is to assume that this commission, will be composed of men of the wisdom of Solomon and foresight surpassing that of any mortal man to-day. Such a law will place largely in the hands of this commission the future development of California.

That so great a power might be abused can not well be doubted, and neither can it be doubted that this great power carries with it an equally great responsibility which no commission should assume, and such a law should not be enacted. On this subject of railroad investments the Hadley Committee recently made its report to President Taft, and as the views therein expressed will apply with equal force to the securities of water and power investments, I quote therefrom as follows:

"The values vary with the development of the property as a whole. If it has been wisely located and well managed, it will be worth more than the amount it represents. If it has been unwisely located, or badly managed, it will be worth less than the amount it represents. The shareholder chose his investment, elected his management and took his risks. If he acted unwisely and fares badly, he has no claim that the public should indemnify him. If he did well, the public can not either rightly or wisely fail to recognize and reward his foresight, so long as his road is managed with proper regard to the interest of the community, and for the development of the traffic which it carries.

The principal of a bond is a fixed sum, its interest a fixed charge. The value of a share of stock is essentially variable, its profit essentially indeterminate.

There is a persistent tendency to ignore this distinction; to emphasize unduly the face value of the stock; to treat the shares in a railroad or other public service corporation as claims against the community for the number of dollars they represent, rather than as fractional interests in a more or less hazardous enterprise, in which the investors took risks of loss and chances of profit; to allow corporations to claim immunity from public regulation, when the dividend on the face value of the shares is below the prevailing rate of interest; and to subject them to vexatious attacks when this dividend is above the prevailing rate of interest, even when such profit may be a fair compensation for risks actually incurred in the past, or a necessary incentive for the investment of new capital and the taking of new risks in the future.

Nowhere has this tendency been more marked than in the legislation of the several states regarding stock issues of railroad corporations. It has led our lawmakers to lay too much stress on keeping down the nominal amount of stock, and too little upon getting the actual amount of capital needed and having it properly used.

Your commission, nevertheless, prefers the second alternative and doubts the expediency under present conditions of a general law forbidding railroads to sell securities without specific authorization in advance, it being understood that the face value of these securities is not to be construed as an obligation on the public. Authorization in advance would tend to create an impression on the part of the investing public of a guaranty or official recognition of values, which no administrative authority can safely give. The absence of such recommendation by this commission is intended to make it clear that no such guaranty should be given. A growing railroad has constant need of money, and its officers and directors are the best judges of the amount of its annual requirements. It is manifestly to the interest of the company and of the public that a road should get its money as cheaply as it can. The policy of allowing a floating debt to accumulate, with a view to its extinction by the sale of permanent securities upon the completion of its improvements is not a good one, and should be avoided wherever possible. An administrative body, whose approval was required in advance for the sale of securities, would have great difficulty in always acting promptly enough to enable the roads to avail themselves of favorable money markets, and avoid the creation of floating debt, and might do its work so carelessly as to result in shielding the directors from responsibility, instead of acting as a safeguard to the public.

We are disposed to leave for the present to state commissions, the responsibility of passing upon the questions of public convenience and necessity involved in the building of lines to be constructed within the limits of their several states, and to rely on full publicity as to the use of the proceeds of the sale of securities and of other assets as a safeguard against financial abuses.

We hear much about a reasonable return on capital. A reasonable return is one which under honest accounting and responsible management will attract the amount of investors' money needed for the development of our railroad facilities. More than this is an unnecessary public burden. Less than this means a check to railroad construction and to the development of traffic. Where the investment is secure, a reasonable return is a rate which approximates the rate of interest which prevails in other lines of industry. Where the future is uncertain the investor demands, and is justified in demanding, a chance of added profit to compensate for his risk. We can not secure the immense amount of capital needed unless we make profits and risks commensurate. If rates are going to be reduced whenever dividends exceed current rates of interest, investors will seek other fields where the hazard is less or the opportunity greater. In no event can we expect railroads to be developed merely to pay their owners such a return as they could have obtained by the purchase of investment securities which do not involve the hazards of construction or the risks of operation."

In my opinion it is unwise to adopt a law that will, in effect, give a monopoly of the public utilities to that class of corporations now in operation. A similar law in other states may, where all resources are well high developed, produce beneficial results, but that fact furnishes no justification or reason for its enactment here where conditions are different. The law ought to be drafted to meet existing conditions. California is a young state and is an empire in itself. It has boundless resources yet undeveloped. Its mountain streams hold water that can develop electrical power sufficient to interlace the State with a network of railroads, and the water can then flow on to the valleys below. Those railroads would find profitable employment in the transportation of that which our bountiful soil will produce and our population

and wealth can be many times multiplied. For those reasons no law ought ever be passed that will place the future destiny of California in the hands of any commission howsoever great, honest or wise.

J. B. CURTIN.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 3, the same was taken up for consideration.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 3.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California, at its extraordinary session, commencing on the twenty-seventh day of November, nineteen hundred and eleven, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that Section 7 of Article IX of the Constitution of the State of California be amended so as to read as follows:

Section 7. The Legislature shall provide for the appointment or election of a state board of education, and said board shall provide, compile, or cause to be compiled, and adopt, a uniform series of text-books for use in the day and evening elementary schools throughout the State. The state board may cause such text-books, when adopted, to be printed and published by the Superintendent of State Printing, at the State Printing Office; and wherever and however such text-books may be printed and published, they shall be furnished and distributed by the State free of cost or any charge whatever, to all children attending the day and evening elementary schools of the State, under such conditions as the Legislature shall prescribe. The text-books, so adopted, shall continue in use not less than four years, without any change or alteration whatsoever which will require or necessitate the furnishing of new books to such pupils, and said state board shall perform such other duties as may be prescribed by law. The Legislature shall provide for a board of education in each county in the State. The county superintendents and the county boards of education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions.

The following amendment was offered by Senator Wolfe:

Strike out the period and insert in lieu thereof a semicolon and add "and they shall also under the same conditions be furnished and distributed by the State free of cost or any charge whatever to all children attending private and other schools in the State enrolled in classes or grades corresponding to similar or substantially similar classes or grades of the day and evening elementary schools of the State."

The question being on the adoption of the amendment.

ROLL CALL DEMANDED.

The roll call was demanded by Senators Wolfe, Wright, and Shanahan.

The roll was called and the amendment offered by Senator Wolfe refused adoption by the following vote:

AYES—Senators Beban, Bills, Bryant, Burnett, Cassidy, Curtin, Finn, Hans, Hare, Lewis, Regan, Rush, Welch, Wolfe, and Wright—15.

NOES—Senators Avey, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Roseberry, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, and Walker—23.

SUSPENSION OF RULES.

Senator Hewitt moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion carried.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At twelve o'clock and fifteen minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SENATOR HOLOHAN IN THE CHAIR.

At twelve o'clock and twenty minutes P. M., Senator Holohan, of the Twenty-ninth District, in the chair.

SPECIAL ORDER VACATED AND RESET.

Senator Walker moved that the special order, being the consideration of Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section six, article four thereof—heretofore set for Monday, December 18, 1911, at two o'clock P. M., be vacated; and the same be reset and made a special order for three o'clock and thirty minutes P. M. of this day.

Motion carried.

SENATOR THOMPSON IN THE CHAIR.

At two o'clock P. M., Senator Thompson, of the Thirty-fifth District, in the chair.

SPECIAL ORDER (RESUMED) ASSEMBLY CONSTITUTIONAL AMENDMENT NO.

Assembly constitutional amendment read.

The question being on the adoption of the constitutional amendment. The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, two o'clock and five minutes P. M.

The Acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassick, Curtin, Cutton, Estudillo, Finn, Gates, Hays, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roscherry, Rush, Sanford, Shanahan, Seaton, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright. 33.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and seven minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called, and Assembly Constitutional Amendment No. 3 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Campbell, Cartwright, Curtin, Cutton, Estudillo, Gates, Hays, Hewitt, Hurd, Juilliard, Larkins, Lewis,

Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Walker, and Wright—27.

NOES—Senators Behan, Bryant, Burnett, Cassidy, Finn, Hare, Holohan, Martinnelli, Regan, Tyrrell, Welch, and Wolfe—12.

Assembly constitutional amendment ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER .

The following bills, etc., were introduced :

By Senator Birdsall: Senate Joint Resolution No. 14—Relative to national forests situated within the State of California, and requesting the war department of the United States to station and maintain Federal troops in such national forests during certain months.

Senate joint resolution referred to Committee on Federal Relations.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Boynton asked for, and was granted, unanimous consent to take up Senate Bill No. 48 for consideration out of order, for the purpose of amendment.

Senate Bill No. 48—An Act regulating and limiting the appropriation of water and the use of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water or the use of water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for water or the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than fifty years; limiting the right to water or the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water or the use of water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for water or the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state water commission; providing the powers and duties of said water commission and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said water commission; providing for the appointment and compensation of employees and assistants to said water commission; limiting the expenses of said water commission and providing for the payment thereof; making an appropriation to carry out

the provisions of this Act; fixing the place of business of said water commission; declaring the diversion of water or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control; providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act," approved April 8, 1911.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Boynton moved to refer to Senator Caminetti, as a special committee of one, to amend Senate Bill No. 48 as follows:

Amend line 13 of the title by striking out the word "fifty" and inserting in lieu thereof the word "thirty-five".

Also: Strike out of line 3, Section 1, page 3, the word "fifty" and insert in lieu thereof the word "thirty-five".

Also: Strike out of line 7, Section 12, page 7, the word "fifty" and insert in lieu thereof the word "thirty-five".

Also: Strike out of line 10, Section 13, page 8, the word "fifty" and insert in lieu thereof the word "thirty-five".

Also: Strike out of line 11, Section 15, page 8, the word "fifty" and insert in lieu thereof the word "thirty-five".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 18, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 48, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Committee.

SPECIAL ORDER VACATED AND RESET.

Senator Walker moved that the special order, being the consideration of Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section six, article four thereof—heretofore set for Monday, December 18, 1911, at three o'clock and thirty minutes P. M.—be vacated, and the same be reset for four o'clock P. M. of this day.

Motion carried.

SPECIAL ORDER SET.

Senator Boynton moved that the further consideration of the adoption of the report of the special committee of one on the amendments to Senate Bill No. 48 proposed by Senator Boynton, be made a special order for Monday, December 18, 1911, at three o'clock and thirty minutes P. M.

Motion carried.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Cartwright asked for, and was granted, unanimous consent to take up Assembly Bill No. 67—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class—for consideration out of order, for the purpose of amendment.

During second reading of the bill, the following amendment was offered by Senator Cartwright:

On page 7, Subdivision 14b, line 15, after the word "now," strike out the word "are" and insert in lieu thereof the following: "or".

Amendment adopted.

Bill read second time, ordered to print, and third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Roseberry:

Resolved, That the following named person be and is hereby appointed to the position of Stenographer as provided by law, with the compensation set opposite her name, payable weekly, and the Controller is hereby directed to draw his warrant for the same, and the Treasurer is directed to pay the same: Ida M. Bryant, Stenographer, \$5.00 per day.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Beban, Bell, Bills, Black, Boynton, Burnett, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gores, Hays, Hare, Hewitt, Holohan, Hurd, Jaillard, Larkins, Lewis, Martinelli, Regan, Roscherry, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolff, and Wright—32.

NOES—None.

RESOLUTION—OUT OF ORDER.

The following resolution was introduced:

By Senator Wright:

WHEREAS, Beneficent and wholesome legislation is dependent upon deliberation, and the free and unhampered exchange of views as to the effect of the passage of laws upon society; and

WHEREAS, The Legislature is one of three coordinate branches of government of the State of California, and is protected by constitutional provision against lobbying which is by Section 35 of Article IV of the Constitution made a felony; and

WHEREAS, The Legislature in the exercise of its constitutional functions should be as free and untrammelled as the judiciary or executive department of the government; and

WHEREAS, A Senator upon the floor of the Senate in open debate has declared that an attempt was made to coerce him to vote in favor of the free text-book constitutional amendment then pending before the Legislature; therefore, be it

Resolved, That the President of the Senate forthwith appoint a committee of three Senators, whose duty it shall be to make full investigation of the charge of attempted coercion; that said committee is hereby given full power to subpoena witnesses, take testimony, and incur any expense that may be necessary to ascertain the facts upon which said charge of attempted coercion rests, and report the names of any persons attempting the same and the results of their investigations to the Senate before its adjournment.

Resolution read, and ordered referred to the Committee on Rules.

RECESS.

At two o'clock and twenty-five minutes P. M., on motion of Senator Bell, the Acting President declared the Senate at recess until three o'clock and thirty minutes P. M. of this day.

RECONVENED.

At three o'clock and thirty minutes P. M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SENATOR BLACK IN THE CHAIR.

At three o'clock and thirty-one minutes P. M., Senator Black of the Twenty-eighth District, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the report of the special committee of one, on the adoption of the amendments to Senate Bill No. 48, proposed by Senator Boynton, the same was taken up for consideration.

The question being on the adoption of the report.

ROLL CALL DEMANDED.

The roll call was demanded by Senators Curtin, Wright, and Boynton.

The roll was called, and the report adopted by the following vote :

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cullen, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wolfe—34.

NOES—Senators Bills, Curtin, and Martinelli—3.

MOTION TO RECONSIDER.

Senator Wright moved that the vote whereby the report of the special committee of one on the adoption of the amendments to Senate Bill No. 48, proposed by Senator Boynton, was adopted, be now reconsidered.

The motion was duly seconded.

MOTION.

Senator Wright moved that the further consideration of the motion to reconsider the vote whereby the report of the special committee of one on the adoption of the amendments to Senate Bill No. 48 proposed by Senator Boynton, be made a special order for Tuesday, December 19, 1911, immediately after the reading of the Journal.

The question being on the motion offered by Senator Wright.

ROLL CALL DEMANDED.

The roll call was demanded by Senators Boynton, Wright, and Birdsall.

The roll was called, and the motion to make the further consideration a special order for Tuesday, December 19, 1911, immediately after the reading of the Journal, was lost by the following vote :

AYES—Senators Beban, Bills, Cartwright, Cassidy, Curtin, Estudillo, Finn, Hans, Hare, Hurd, Larkins, Lewis, Martinelli, Regan, Sanford, Tyrrell, Wolfe, and Wright—18.

NOES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cullen, Gates, Hewitt, Holohan, Juilliard, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, and Walker—21.

MOTION TO RECONSIDER.

The question being on the motion to reconsider the vote whereby the report of the special committee of one, on the adoption of the amendment to Senate Bill No. 48 proposed by Senator Boynton.

ROLL CALL DEMANDED.

The roll call was demanded by Senators Wright, Boynton, and Caminetti.

The roll was called, and the vote reconsidered by the following vote :

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Curtin, Cullen, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—34.

NOES—Senator Caminetti—1.

SPECIAL ORDER VACATED AND RESET.

Senator Walker moved that the special order, being the consideration of Senate Constitutional Amendment No. 2—A resolution to propose

to the people of the State of California an amendment to the Constitution of said State by amending section six, article four thereof—heretofore set for Monday, December 18, 1911, at four o'clock P. M., be vacated, and the same be reset for Tuesday, December 19, 1911, immediately after the reading of the Journal.

Motion carried.

SPECIAL ORDER—(RESUMED).

The question being on the adoption of the report of the special committee of one.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Boynton moved a call of the Senate.

Motion carried.

Time, five o'clock and forty-five minutes P. M.

The Acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cullen, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—39.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At five o'clock and fifty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Boynton.

The roll of absentees was called, and the report of the special committee of one refused adoption by the following vote:

AYES—Senators Avey, Bell, Black, Boynton, Bryant, Caminetti, Campbell, Hewitt, Holohan, Hurd, Roseberry, Rush, Stetson, Strobbridge, and Thompson—15.

NOES—Senators Beban, Bills, Birdsall, Burnett, Cartwright, Cassidy, Curtin, Cullen, Finn, Gates, Hans, Hare, Juilliard, Larkins, Martinelli, Regan, Sanford, Shanahan, Tyrrell, Walker, Welch, Wolfe, and Wright—24.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Boynton moved to refer to Senator Caminetti, as a special committee of one, to amend as follows:

Strike out all of Section 33, page 15, and insert in lieu thereof the following:

"SEC. 33. This Act shall not apply to any vested and existing rights in the ownership of or right to the use of any water."

Also:

Add a new section, to be numbered Section 34, and to read as follows:

"SEC. 34. This Act shall take effect ninety days after the final adjournment of this session of the Legislature."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 18, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 48, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

EXPLANATION OF VOTE.

Senator Caminetti asked for, and was granted, unanimous consent to explain his absence when the roll was called on the adoption of Assembly Constitutional Amendment No. 3, and have the explanation printed in the Journal:

MR. PRESIDENT: I had an important business appointment, made last Saturday, for two o'clock this afternoon, and it was fixed for that time to enable me to vote on Assembly Constitutional Amendment No. 3, known as the "free text-book amendment," which had previously been made a special order for eleven o'clock A. M., this day. I was present and voted on Senator Wolfe's motion and remained in the Senate until ten minutes to two o'clock, at which time I was compelled to leave. I notified Senator Shanahan, who was in charge of the measure, and told him I would be back in thirty minutes. When I left I had no idea the debate would close before my return. I have voted for free-text books at every session of which I have been a member in which the subject was introduced, and had I been present when said amendment came up for final passage to-day would have voted for it.

A. CAMINETTI.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At six o'clock P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, December 18, 1911.

MR. PRESIDENT: Your Committee on Printing, to whom was referred Assembly Concurrent Resolution No. 4—Relative to the printing on stationery of state offices, an invitation on behalf of the State of California to participate in the Panama-Pacific International Exposition—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

HANS, Chairman.

Assembly Concurrent Resolution No. 4 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Hewitt: Senate Bill No. 55—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, by amending Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 20, 22, 24, 27 and 28 of said Act, and by repealing Sections 16, 21 and 31 of said Act, and by adding a new section to said Act, to be designated as Section 29, relating to the duties of the county clerk and registrar of voters; also by adding a new section to said Act, to be designated as Sec-

tion 30, relating to the continuance of proceedings heretofore commenced under said Act; also by adding a new section to said Act, to be designated as Section 31, amending the title of said Act to read as follows: "An Act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts."

Bill read first time, and referred to Committee on Irrigation.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, December 18, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 61—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897—have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

STETSON, Chairman.

Assembly Bill No. 61 ordered on file for second reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, December 18, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 53—An Act to amend Section 2694 of the Political Code, relating to public highways—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

GATES, Chairman.

Assembly Bill No. 53 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 18, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 32—An Act to amend section eight of an Act entitled "An Act to provide for the formation and establishment of boulevard districts, the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their terms of office, and of elections to be held in such districts; and repealing an Act entitled 'An Act to provide for the formation of boulevard districts, and the construction, maintenance and use of boulevards, and define the term boulevard,' approved March 22d, 1905, and the Act amendatory thereof, approved April 15th, 1909," approved May 1st, 1911; said amendments relating to the election, appointment and qualifications of the members of said boulevard commission—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

GATES, Chairman.

Assembly Bill No. 32 ordered on file for second reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Stetson asked for, and was granted, unanimous consent to take up for consideration, out of order, all bills on third-reading files.

Senate Joint Resolution No. 5—Referring to the Yosemite Valley and Mariposa grove of big trees.

Senate Joint Resolution No. 5 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Joint Resolution No. 3—Relative to restricting Japanese and other Asiatic immigration.

Senate Joint Resolution No. 3 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 37—An Act to amend Section 3494 of the Political Code of the State of California, relating to the sale of school lands.

Senate Bill No. 37 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 47—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Senate Bill No. 47 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 7—An Act making an appropriation for the purpose of carrying out the provisions of the California Railroad Commission Act.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 7 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Cutton, Finn, Gates, Hans, Hare, Hewitt, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 20—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by Congress to the State of California for the benefit of the public schools, and internal improvements, authorizing the conveyance of land by officers of the State for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions hereof.

Senate Bill No. 20 was temporarily passed on file, in the absence of the author, to retain its place.

SENATOR WOLFE IN THE CHAIR.

At six o'clock and ten minutes P. M., Senator Wolfe, of the Twenty-first District, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 50—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

Senate Bill No. 50 was temporarily passed on file, in the absence of the author, to retain its place.

SENATE CONCURRENT RESOLUTION No. 3.

Relative to the teaching of patriotism in the public schools of California.

WHEREAS, At a recent meeting of the Sacramento County Teachers' Institute, held in the capital city of California, a statement was made in a public address by an ex-superintendent of the county schools of Santa Barbara County to the effect that Great Britain had not performed one tyrannical act to provoke the Revolutionary War; that the Boston massacre was not the slaughter it was supposed to be; that the Stamp Acts were justified and the Colonists' refusal to pay them actuated solely by a desire to evade a just proportion of their expenses in this country; and that the Boston Tea Party consisted of irresponsible colonists bent on malicious mischief, and, operating under the guise of patriotism, wrongfully and maliciously destroyed the property of others; and

WHEREAS, It would appear this doctrine is taught in some of the high schools of this State and is said to be taught at the University of the State of California; and

WHEREAS, Such teachings practically declare that this government was erected upon a foundation of wrong and error; that the Declaration of Independence states those things which are not true, and that that immortal document is therefore a farce, a fraud and a delusion; and that this government "of the people, for the people and by the people," in its elementary construction, was based upon false and fraudulent pretenses; and

WHEREAS, Such teachings of disloyalty, if permitted to take root in this country, would inevitably create a race of citizens lacking in that stern and unyielding patriotism without which no country can long endure; therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring. That these utterances are false and untrue; that they are in every sense in manifest contradiction to the true history of the birth of our country, and subversive of the very foundation principles of our government:

Resolved. That it is the sense of the members of this Legislature that if there be histories included in the curricula of public institutions of the State of California which put forth such grossly false and disloyal ideas, such histories should be eliminated from the schools of the State in every such institution; and in every place there should be substituted not only truthful narratives of the origin of this government and of the episodes leading thereto, but narratives at the same time tending to sow in the hearts and in the souls of the boys and girls of this State that burning devotion to country which these disloyal histories would minimize, if they do not smother;

Resolved. That it is the sense of the members of this Legislature that if there be teachers employed in the school department of California, from the kindergartens to and including the State University, who have taught such false, disloyal and iniquitous doctrines, each and every one of them should be weeded forever out of any position as instructor in the schools of this State;

Resolved. That his excellency, Honorable Hiram W. Johnson, Governor of the State of California, be, and he is hereby, respectfully requested to inaugurate at his earliest convenience an investigation into such matter; and be it further

Resolved. That, if he finds that statements of the character referred to above are contained in the histories used in the public educational institutions in California, he is hereby requested to take such steps as he may deem requisite to proscribe such histories and interdict their use in such institutions; and that, if he finds that any teachers in the public educational institutions of California, from the kindergartens up to and including the State University, are teaching such false and disloyal and iniquitous doctrines—or encouraging such doctrines to be taught—he is also respectfully requested to take such measures as he may deem requisite to weed forever such traitors out of the school system of California.

Senate concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 3 adopted by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Finn, Gates, Hans, Hare, Hewitt, Hollahan, Hurd, Juilliard, Larkins, Regan, Sanford, Shanahan, Strobbridge, Thompson, Tyrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Senate concurrent resolution ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Cartwright asked for, and was granted, unanimous consent to withdraw Senate Bill No. 50—An Act to amend Section 4234 of the

Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

Senate Bill No. 50 withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 46—An Act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights, or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

Read third time.

On motion of Senator Caminetti, Senate Bill No. 46 was temporarily passed on file, to retain its place.

SPECIAL ORDER SET.

Senator Caminetti moved that the further consideration of Senate Bill No. 46—An Act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights, or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts—be made a special order for Tuesday, December 19, 1911, at eleven o'clock and thirty minutes A. M.

Motion carried.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Burnett asked for, and was granted, unanimous consent to take up Senate Bill No. 53 for consideration out of order.

Senate Bill No. 53—An Act to make appropriation for the contingent expenses of the Senate for the extra session of the thirty-ninth Legislature of the State of California during the sixty-third fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 53 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Burnett, Cartwright, Cassidy, Curtin, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Sanford, Shanahan, Stobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Boynton, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 3—An Act to amend Section 1280 of the Political Code of the State of California, relating to the official canvass of election returns.

Also: Senate Bill No. 33—An Act to amend Section 4 of an Act entitled "An Act creating a state commission on voting or balloting machines, defining their

powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act" (approved March 20, 1903).

And respectfully request your honorable body to concur in said amendments.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 3?"

At the end of line 16 in the printed bill, as amended December 8, 1911, insert the following words: "Such canvass may be made at such place in the county or city and county as the board may by order entered in its minutes designate and declare to be a necessity; *provided*, that where it shall be made at a place other than the usual place of meeting of such board, the place shall be open to the public and the canvass must be made in public, and the said board shall cause public notice to be posted at the usual place of meeting of said board in a conspicuous place for at least three (3) days before the time for making such canvass, and during all the time which such canvass is being made, which notice shall state clearly and fully the designation and description of the place where such canvass will be made and conducted."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 3 by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Burnett, Cassidy, Cutton, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Shanahan, Strobridge, Tyrrell, Wolfe, and Wright—23.

NOES—None.

Senate Bill No. 3 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 33?"

After the word "used", in line 80, page 3, insert the following words: "The ballot may be placed upon the machine so the columns will extend either vertically or horizontally, if in all other respects save as to the said blank spaces the ticket is in the form and order which would exist if the election were held by ballot and without a voting machine."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 33 by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Burnett, Cassidy, Curtin, Cutton, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Shanahan, Strobridge, Thompson, Tyrrell, and Wolfe—23.

NOES—None.

Senate Bill No. 33 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, December 16, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 4—An Act to amend Section 1083 of the Political Code of the State of California, relating to the qualifications of a voter.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

ADJOURNMENT.

At six o'clock and forty minutes P. M., on motion of Senator Bell, the acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, December 19, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—37.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, December 18, 1911, the further reading was dispensed with, on motion of Senator Thompson.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Campbell asked for, and was granted, unanimous consent to take up Assembly Bill No. 8 for consideration out of order, for the purpose of amendment.

Assembly Bill No. 8—An Act to amend Section 4021a of the Political Code providing for the recall of elective officers of counties and subdivisions thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Holohan, as a special committee of one, to amend as follows:

By striking out of Section 1, lines 16 and 17, the word "congressman" and inserting in lieu thereof the following: "officer".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 19, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 8, with instructions to amend, respectfully reports the same back, amended as per instructions.

HOLOHAN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and on file for third reading.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 19, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Concurrent Resolution No. 3—Relative to the teaching of patriotism in the public schools of California—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Concurrent Resolution No. 3 ordered transmitted to the Assembly.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, December 16, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 17—An Act to amend an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907—have had the same under consideration, and respectfully report the same back and recommend that same do pass.

GATES, Chairman.

Assembly Bill No. 17 ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, December 19, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 14—Relative to national forests situated within the State of California and requesting the war department of the United States to station and maintain Federal troops in such national forests during certain months—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

WRIGHT, Chairman.

Senate Joint Resolution No. 14 ordered on file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 19, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following: Senate Bill No. 48—An Act regulating and limiting the appropriation of water and the use of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water or the use of water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for water or the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than fifty years; limiting the right to water or the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water or the use of water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for water or the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state water commission; providing the powers and duties of said water commission and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use

of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said water commission; providing for the appointment and compensation of employees and assistants to said water commission; limiting the expenses of said water commission and providing for the payment thereof; making an appropriation to carry out the provisions of this Act; fixing the place of business of said water commission; declaring the diversion of water or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state board of control; providing the powers and duties of said board of control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said board of control; providing for the appointment and compensation of employees and assistants to said board of control; limiting the expenses of said board of control and providing for the payment thereof; fixing the place of business of said board of control; declaring the diversion or use of water for generating electricity, or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act," approved April 8, 1911—and report that the same has been correctly reengrossed.

CASSIDY, Chairman.

Senate Bill No. 48 ordered on file for third reading.

SUSPENSION OF RULES.

Senator Curtin moved that No. 63 of the Standing Rules of the Senate be suspended for the forenoon.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 2, the same was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT No. 2.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section six, article four thereof.

The Legislature of the State of California, at an extraordinary session commencing on the twenty-seventh day of November, A. D. nineteen hundred and eleven, two thirds of all the members elected to each of the houses voting in favor thereof, hereby proposes an amendment to the Constitution of the State of California, by amending section six, of article four thereof.

SECTION 1. Section 6 of Article 4 of the Constitution is hereby amended to read as follows:

Section 6. For the purpose of choosing members of the Legislature, the State shall be divided into forty senatorial and as many assembly districts as there are counties, cities and counties and senatorial districts in the State, excepting for the consolidating of the counties of Alpine and Mono into one assembly district. The

senatorial districts shall be numbered from one to forty, inclusive, in numerical order commencing at the northern boundary of the State and ending at the southern boundary thereof, and each senatorial district so formed shall choose one Senator. Each county, and city and county, in the State, excepting the county of Alpine, which shall be joined to the county of Mono to form an assembly district, shall form an assembly district and each assembly district so formed shall choose one member of the Assembly. In addition to the assembly districts so formed out of the counties, and cities and counties of the State, there shall be forty assembly districts which shall correspond to and be of the same territory and population as that embraced within the forty senatorial districts of the State, and each of these districts so formed shall choose one member of the Assembly. Such assembly districts shall be numbered from one to forty, each of which assembly districts shall have the same number as that borne by the senatorial district in which it is located. The assembly districts which are formed by the counties, and cities and counties of the State, shall be numbered from north to south and shall begin with number forty-one: *provided*, that the total number of assembly districts shall be one less than the number of senatorial districts in the State, plus the total number of counties, and cities and counties thereof. In the formation of such senatorial and assembly districts, no county, or city and county, shall be divided unless it contains sufficient population within itself to form two or more districts, nor shall a part of any county, or any city and county, be united with any other county, or city and county, in forming any district. The census taken under the direction of the United States in the year one thousand nine hundred and ten, and every ten years thereafter shall be the basis of fixing and adjusting the senatorial districts, but in making such adjustments no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, Senators shall be elected by the districts according to the apportionment now provided for by law: *and provided, further*, that the term of office of members of the Assembly, elected in the year one thousand nine hundred and eighteen, and prior thereto, shall not be affected by the provisions of this section.

Amendment read.

SPECIAL ORDER VACATED AND RESET.

Senator Caminetti moved that the special order, being the consideration of Senate Bill No. 46—An Act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights, or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts—heretofore set for Tuesday, December 19, 1911, at eleven o'clock and thirty minutes A. M., be vacated, and the same reset, to be taken up immediately after the conclusion of the special order now under consideration.

Motion carried.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At eleven o'clock and thirty-five minutes A. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

EXPLANATION OF VOTE.

Senator Wright presented the following explanation of his vote upon the adoption of Senate Concurrent Resolution No. 3, asked for, and was granted, unanimous consent that it be printed in the Journal:

MR. PRESIDENT: I shall vote for the resolution proposed by Senator Boynton because it appeals to my patriotism. I wish, however, to be understood as protesting against the recital of facts in the first paragraph of the resolution. I have made careful investigation and assert that they are not wholly true. No such unpatriotic utterances were made at any time or any place. The reference in the resolution is merely to an address of a California teacher, who, speaking to his fellow teachers, plead for a thorough study of history from the standpoint of different peoples. What he said has been colored into a speech pregnant with treason.

Why this sudden awakening? Within the present year Francis J. Heney stood upon the floor of this Senate and with swaying arms and flushed face declared that the war of independence "was carried on for eight long years in the interests of big business, that the Constitutional Convention over which Washington presided had put one over on the people, and he was tired of this prevailing reverence for the government of the fathers." No word of protest came against this treasonable utterance. There was not one word of protest from the Senate. Personally, I stand ready to denounce all treasonable utterances and the man who makes them, whether that man be Francis J. Heney or a school teacher. I regard the present matter a "tempest in a teapot"; it has been unduly dignified and is really not entitled to the serious consideration of the Senate. I vote for the resolution because it makes for the security of patriotic teaching in our schools, not because I believe the recitals of fact in the resolution are true.

LEROY A. WRIGHT.

SENATOR WELCH IN THE CHAIR.

At eleven o'clock and forty-five minutes A. M., Senator Welch, of the Nineteenth District, in the chair.

SPECIAL ORDER—(RESUMED)—SENATE CONSTITUTIONAL AMENDMENT NO. 2.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 2 refused adoption by the following vote:

AYES—Senators Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Curtin, Cutton, Estudillo, Juilliard, Larkins, Lewis, Martinelli, Sanford, Shanahan, and Walker—16.

NOES—Senators Avey, Beban, Bell, Bryant, Burnett, Cassidy, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Regan, Roseberry, Stetson, Strobridge, Thompson, Welch, and Wright—20.

SPECIAL ORDER VACATED AND RESET.

Senator Caminetti moved that the special order, being the consideration of Senate Bill No. 46—An Act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights, or construction thereby of water-works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts—heretofore set for Tuesday, December 19, 1911, immediately after the conclusion of the special order, being the consideration of Senate Constitutional Amendment No. 2, be vacated, and the same be reset for Tuesday, December 19, 1911, at three o'clock P. M.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, December 19, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 9—An Act to amend Section 4058 of the Political Code, relating to direct legislation and including initiative and referendum, by electors of counties.

Also: Assembly Bill No. 10—An Act to provide for the recall of elective officers of incorporated cities and towns.

Also: Assembly Bill No. 11—An Act to provide for direct legislation by cities and towns, including initiative and referendum.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

ESTUDILLO, Chairman.

Assembly Bills Nos. 9, 10 and 11 ordered on file for second reading.

RECESS.

At one o'clock and thirty minutes P. M., on motion of Senator Bell, the acting President declared the Senate at recess until three o'clock P. M. of this day.

RECONVENED.

At three o'clock P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON APPORTIONMENT AND REPRESENTATION.

SENATE CHAMBER, SACRAMENTO, December 19, 1911.

MR. PRESIDENT: Your Committee on Apportionment and Representation, to whom was referred Senate Bill No. 52—An Act to amend section one hundred seven of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State of California into congressional districts," approved March 11, 1891, and also to repeal an Act entitled "An Act to divide the State into congressional districts, and to provide for the election of members of the House of Representatives of the United States therein," approved March 23, 1901, and all other Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back with amendments, and recommend that same do pass as amended.

THOMPSON, Chairman.

Senate Bill No. 52 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 19, 1911.

MR. PRESIDENT: Your Committee on Apportionment and Representation, to whom was referred Senate Bill No. 49—An Act to amend Section 125 of the Political Code, relating to the division of the State into equalization districts—have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

THOMPSON, Chairman.

Senate Bill No. 49 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 19, 1911.

MR. PRESIDENT: Your Committee on Apportionment and Representation, to whom was referred Assembly Bill No. 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts—have had the same under consideration, and respectfully report the same back with amendments, and recommend that same do pass as amended.

THOMPSON, Chairman.

Assembly Bill No. 66 ordered on file for second reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Thompson asked for, and was granted, unanimous consent to take up Senate Bill No. 52 and Assembly Bill No. 66 for consideration out of order, for the purpose of amendment.

Senate Bill No. 52—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State of California into congressional districts," approved March 11, 1891, and also to repeal an Act entitled "An Act to divide the State into congressional districts,

and to provide for the election of members of the House of Representatives of the United States therein," approved March 23, 1901, and all other Acts in conflict with this Act.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, lines 7 and 8, strike out "Mariposa, Stanislaus, and Merced" and insert in lieu thereof the following: "and Mariposa".

Amendment adopted.

Also:

On page 2, Section 1, line 13, after the comma following the word "San Joaquin" insert the following: "Stanislaus".

Amendment adopted.

Also:

On page 2, Section 1, line 29, after the comma following the word "Monterey" insert the following: "Merced".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Assembly Bill No. 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts, and defining and establishing such districts.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, amend the title by striking out the period after the word "districts," and insert as follows: "; and to repeal an Act entitled 'An Act to divide the State into legislative districts as required by section six, article four of the Constitution, and to provide for the election of Assemblymen and Senators in such districts,' approved March 11, 1891; and also to repeal an Act entitled 'An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein,' approved March 21, 1901, and all other Acts in conflict with this Act."

Amendment adopted.

Also:

After the enacting clause, strike out all of Sections 1 and 2, and insert in lieu thereof the following:

"SECTION 1. Section seventy-eight of the Political Code is hereby amended to read as follows:

78. The State is divided into forty senatorial districts, which shall be designated and constituted as follows:

1. The counties of Del Norte, Humboldt, Trinity and Tehama shall constitute the First Senatorial District.

2. The counties of Modoc, Siskiyou, Shasta and Lassen shall constitute the Second Senatorial District.

3. The counties of Plumas, Sierra, Nevada, Placer and El Dorado shall constitute the Third Senatorial District.

4. The counties of Mendocino, Colusa, Lake and Glenn shall constitute the Fourth Senatorial District.

5. The counties of Napa and Solano shall constitute the Fifth Senatorial District.

6. The counties of Butte, Yuba, Sutter and Yolo shall constitute the Sixth Senatorial District.

7. The county of Sacramento shall constitute the Seventh Senatorial District.

8. The county of Sonoma shall constitute the Eighth Senatorial District.

9. The counties of Marin and Contra Costa shall constitute the Ninth Senatorial District.

10. The counties of San Joaquin and Amador shall constitute the Tenth Senatorial District.

11. The counties of San Mateo, San Benito and Santa Cruz shall constitute the Eleventh Senatorial District.

12. The counties of Tuolumne, Mariposa, Stanislaus, Merced, Alpine, Madera and Calaveras shall constitute the Twelfth Senatorial District.

13. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the line dividing Oakland and Brooklyn townships intersects the northeasterly boundary line of the county of Alameda; thence southwesterly along said dividing line to the northeasterly boundary line of the city of Piedmont; thence southeasterly and southerly following the northern and eastern boundary line of the city of Piedmont to the southeasterly corner thereof; thence southwesterly along Thirteenth avenue to the center line of Fourteenth avenue; thence southerly along the center line of Fourteenth avenue to the center line of Lincoln street; thence easterly along the center line of Lincoln or East Thirty-first street to the center line of Twenty-third avenue; thence southerly along the center line of Twenty-third avenue to the center line of Sherman street, otherwise known as the old County Road; thence easterly along said old County Road to the center line of High street; thence easterly along the center line of the Foothill Road, or County Road No. 3358, to the center line of Grand or Ninetieth avenue; thence southwesterly along said line of Ninetieth avenue, crossing East Fourteenth street to the center line of "B," or Second street; thence easterly along said "B" street to the center line of Jones, or Ninety-eighth avenue; thence southerly along the center line of Jones, or Ninety-eighth avenue, to the center line of County Road No. 1995; thence southerly along center line of County Road No. 1995 to the line dividing Brooklyn and Eden townships; thence westerly along said township line to the line dividing Brooklyn and Alameda townships; thence southerly and westerly along the boundary line of Alameda Township to the westerly boundary line of Alameda County; thence southerly along said westerly boundary line to its intersection with the northerly boundary line of Santa Clara County; thence easterly along the boundary line dividing Alameda and Santa Clara counties to a point which is the intersection of the boundary lines of the counties of Alameda, Santa Clara, Stanislaus and San Joaquin; thence northwesterly and northerly along the boundary line between the counties of Alameda and San Joaquin to a point where the boundary line dividing the counties of Alameda and Contra Costa intersects the westerly boundary line of the county of San Joaquin; thence in a southwesterly and northwesterly direction along the boundary line between the counties of Alameda and Contra Costa to the point of beginning, shall constitute the Thirteenth Senatorial District.

14. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the westerly boundary line of the county of Alameda is intersected by the line dividing Oakland and Alameda townships; thence easterly along said dividing line to a point in Oakland harbor where said line is intersected by the line dividing Oakland and Brooklyn townships; thence northerly along the westerly boundary line of Brooklyn Township, passing through the easterly arm of Lake Merritt and up Indian Gulch to the northeasterly boundary line of East Oakland Heights; thence southeasterly along said last boundary line to the center of Thirteenth avenue; thence northeasterly along center line of Thirteenth avenue, or County Road to Moraga Valley, to the center line of Fourteenth avenue; thence southerly along the center line of Fourteenth avenue to the center line of Lincoln street; thence easterly along the center line of Lincoln, or East Thirty-first street, to the center line of Twenty-third avenue; thence southerly along the center line of Twenty-third avenue to the center line of Sherman street, otherwise known as old County Road; thence easterly along said old County Road to the center line of High street; thence along the center line of Foothill Road, or County Road No. 3358, to the center line of Grand, or Ninetieth avenue; thence southerly along said line of Ninetieth avenue, crossing East Fourteenth street to "B," or Second street; thence easterly along said "B" street to the center line of Jones, or Ninety-eighth avenue; thence southerly along the center line of Jones, or Ninety-eighth avenue, to the center line of County Road No. 1995; thence southerly along center line of County Road No. 1995 to the line dividing Brooklyn and Eden townships; thence westerly along said township line to the line dividing Brooklyn and Alameda townships; thence southerly and westerly along the boundary line of Alameda Township to the westerly boundary line of Alameda County; thence northwesterly along the westerly county boundary line to the southerly boundary line of Oakland Township and the point of beginning, shall constitute the Fourteenth Senatorial District.

15. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the northern boundary line of the city of Berkeley intersects the northeasterly boundary line of the county of Alameda; thence westerly along said northern boundary line of the city of Berkeley to a point where the same is coincident with the center line of Eunice street; thence westerly along the center line of Eunice street to the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Adeline street; thence southerly along the center line of Adeline street to the northerly boundary line of the town of Emeryville; thence easterly, southerly and westerly following the boundary line of the town of Emeryville to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the northern boundary line of Alameda Township; thence easterly along the northern boundary line of Alameda Township to the westerly line of Brooklyn

Township, the same being a point in Oakland harbor; thence northerly along the westerly boundary line of Brooklyn Township, passing through the easterly arm of Lake Merritt and up Indian Gulch to the northeasterly boundary line of East Oakland Heights; thence southeasterly along last said boundary line to the center line of Thirteenth avenue; thence northeasterly along the center line of Thirteenth avenue, or County Road to Moraga Valley, to the southeastern corner of the city of Piedmont; thence northerly and westerly following the easterly and northerly boundary lines of the city of Piedmont to the line dividing Brooklyn and Oakland townships; thence northeasterly along the last said township line to the boundary line of Alameda County; thence northwesterly along the county boundary line to the point of beginning, shall constitute the Fifteenth Senatorial District.

16. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the northerly boundary line of the city of Berkeley intersects the northeasterly boundary line of the county of Alameda; thence westerly along said northern boundary line of the city of Berkeley to a point where the same is coincident with the center line of Eunice street; thence westerly along the center line of Eunice street to the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Adeline street; thence southerly along the center line of Adeline street to the northerly boundary line of the town of Emeryville; thence easterly, southerly and westerly, following the boundary line of the town of Emeryville to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the northern boundary line of Alameda Township; thence westerly along the line dividing Alameda and Oakland townships to the western boundary line of the county of Alameda; thence northerly along the said county boundary line to the northern boundary line of the county of Alameda; thence easterly following the northern boundary line of the county of Alameda to the point of beginning, shall constitute the Sixteenth Senatorial District.

17. The counties of Kings, Monterey and San Luis Obispo shall constitute the Seventeenth Senatorial District.

18. All that portion of the city and county of San Francisco described as follows: Commencing at the point of intersection of Van Ness avenue and Market street, continuing thence along the center line of the following named streets, to wit: Market to the waters of the bay of San Francisco; thence along the shore line northerly to Filbert street, Filbert to Leavenworth, Leavenworth to Broadway, Broadway to Van Ness avenue, Van Ness avenue to Market street, the place of beginning, together with all the waters of the bay of San Francisco and the islands contained therein, situated within the boundaries of the city and county of San Francisco, shall constitute the Eighteenth Senatorial District.

19. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Maple and California streets, continuing thence along the center line of the following named streets: California to Baker, Baker to Pine, Pine to Laguna, Laguna to Sutter, Sutter street to Van Ness avenue, Van Ness avenue to Broadway, Broadway to Leavenworth, Leavenworth to Filbert, Filbert to the waters of the bay of San Francisco; thence along the shore line of said bay northerly and westerly to the waters of the Pacific Ocean; thence along said shore line to Lobos Creek where the same enters into the Pacific Ocean; thence along the line of said creek and the southerly boundary line of the Presidio Reservation to Maple street, Maple to California, the place of beginning, shall constitute the Nineteenth Senatorial District.

20. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Pine and Laguna streets, continuing thence along the center line of the following named streets: Laguna to O'Farrell, O'Farrell street to St. Joseph avenue, St. Joseph avenue to Turk, Turk to Baker, Baker to Oak street, Oak street to Central avenue, Central avenue to Buena Vista avenue, Buena Vista avenue to Frederick street, Frederick to Clayton, Clayton street to Clarendon avenue, Clarendon avenue to Burnett avenue, Burnett avenue to Palo Alto avenue, Palo Alto avenue to the easterly line of the San Miguel Rancho; thence along said line northerly to a point opposite Seventeenth street; thence along said line of Seventeenth street, if extended, to Kirkham street, Kirkham street to Locksley avenue, Locksley avenue to the westerly line of San Miguel Rancho; thence along said line to Corbett avenue and Sloat boulevard; thence along said line of the Sloat boulevard to the waters of the Pacific Ocean; thence along the shore line of said ocean northerly and easterly to Lobos Creek; thence along the line of said creek and the southerly boundary of the Presidio Reservation to Maple street, Maple to California, California to Baker, Baker to Pine, Pine to Laguna, the place of beginning, together with the islands known as the Farallon Islands, shall constitute the Twentieth Senatorial District.

21. All that portion of the city and county of San Francisco constituting the Thirty-third and Thirty-fourth Assembly Districts, as designated and constituted by section ninety of this code, and the following described portion of the city and county of San Francisco, to wit: Commencing at the point of intersection of the center line of Bryant avenue with the center line of Twenty-first street; thence

along the center line of the following named streets, to wit: Bryant avenue to Army street, Army street to Connecticut street, Connecticut street to Twentieth street, Twentieth street to Bryant avenue, Bryant avenue to the point of beginning, shall constitute the Twenty-first Senatorial District.

22. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Twenty-first street and Bryant avenue, continuing thence along the center line of the following named streets: Bryant avenue to Eleventh street, Eleventh to Market, Market street to Van Ness avenue, Van Ness avenue to Sutter street, Sutter street to Laguna, Laguna to O'Farrell, O'Farrell street to St. Joseph avenue, St. Joseph avenue to Turk street, Turk to Baker, Baker to Oak, Oak to Fillmore, Fillmore to Duboce avenue, Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to San Carlos street, San Carlos street to Eighteenth street, Eighteenth street to Shotwell street, Shotwell street to Twenty-first street, Twenty-first street to Bryant avenue, the place of beginning, shall constitute the Twenty-second Senatorial District.

23. All that portion of the city and county of San Francisco consisting of the Twenty-ninth Assembly District, as designated and constituted by section ninety of this Code, and the following described portion of the city and county of San Francisco: Commencing at the point of intersection of the center line of Twentieth street with the center line of Connecticut street; thence along the center line of the following named streets, to wit: Connecticut street to Army street, Army street to San Bruno avenue, San Bruno avenue to the boundary line between the city and county of San Francisco and the county of San Mateo; thence easterly along said boundary line to the shore line of the bay of San Francisco; thence northerly along said shore line to its intersection with the center line of Twentieth street; thence along the center line of Twentieth street to the point of beginning, shall constitute the Twenty-third Senatorial District.

24. All that portion of the city and county of San Francisco embraced within and comprising the Thirty-first and Thirty-second Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Twenty-fourth Senatorial District.

25. The counties of Ventura and Santa Barbara shall constitute the Twenty-fifth Senatorial District.

26. The county of Fresno shall constitute the Twenty-sixth Senatorial District.

27. All that portion of the county of Santa Clara not included in the Twenty-eighth Senatorial District, as designated and constituted by this section, shall constitute the Twenty-seventh Senatorial District.

28. All that portion of the county of Santa Clara embraced within the following precincts, as constituted at the general election in nineteen hundred ten, to wit: Agnews, that part of Alameda precinct lying north of the center line of Park avenue, Alviso, Berryessa, Burlingame, that part of Crandallville precinct number one lying outside of the city limits of the city of San Jose, as established in 1911, Cupertino, East San Jose number two, Fremont, Jefferson, Mayfield, Milpitas numbers one and two, Mountain View numbers one and two, Mount Hamilton, Orchard, Palo Alto numbers one, two, three, four and five, Purissima, San Jose numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve, Santa Clara numbers one, two, three and four, Saratoga, Stanford, Stockton, Sunnyvale numbers one and two, and University numbers one and two, shall constitute the Twenty-eighth Senatorial District.

29. All that portion of the county of Los Angeles embraced within and comprising the Sixty-fourth and Sixty-fifth Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Twenty-ninth Senatorial District.

30. The counties of San Bernardino, Inyo and Mono shall constitute the Thirtieth Senatorial District.

31. All that portion of the county of Los Angeles embraced within and comprising the Seventy-first and Seventy-second Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Thirty-first Senatorial District.

32. The counties of Tulare and Kern shall constitute the Thirty-second Senatorial District.

33. All that portion of the county of Los Angeles embraced within and comprising the Sixty-eighth and Seventieth Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Thirty-third Senatorial District.

34. All that portion of the county of Los Angeles embraced within and comprising the Fifty-ninth and Sixtieth Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Thirty-fourth Senatorial District.

35. All that portion of the county of Los Angeles embraced within and comprising the Sixty-sixth and Sixty-ninth Assembly Districts, as designated by section ninety of this Code, shall constitute the Thirty-fifth Senatorial District.

36. All that portion of the county of Los Angeles embraced within and comprising the Fifty-eighth and Sixty-seventh Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Thirty-sixth Senatorial District.

37. All that portion of the county of Los Angeles embraced within and comprising

the Sixty-first and Sixty-second Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Thirty-seventh Senatorial District.

38. All that portion of the county of Los Angeles embraced within and comprising the Sixty-third and Seventy-third Assembly Districts, as designated and constituted by section ninety of this code, shall constitute the Thirty-eighth Senatorial District.

39. The counties of Riverside, Orange and Imperial shall constitute the Thirty-ninth Senatorial District.

40. The county of San Diego shall constitute the Fortieth Senatorial District.

SEC. 2. Section ninety of the Political Code is hereby amended to read as follows:

90. The State is divided into eighty Assembly districts, which shall be designated and constituted as follows:

1. The counties of Del Norte, Siskiyou and Trinity shall constitute the First Assembly District.

2. The county of Humboldt shall constitute the Second Assembly District.

3. The counties of Lassen, Modoc and Shasta shall constitute the Third Assembly District.

4. The county of Mendocino shall constitute the Fourth Assembly District.

5. The counties of Tehama, Glenn and Colusa shall constitute the Fifth Assembly District.

6. The county of Butte shall constitute the Sixth Assembly District.

7. The counties of Nevada, Plumas and Sierra shall constitute the Seventh Assembly District.

8. The counties of Yuba, Sutter and Yolo shall constitute the Eighth Assembly District.

9. The counties of Lake and Napa shall constitute the Ninth Assembly District.

10. All that portion of the county of Sonoma comprising the townships of Anay, Bodega, Mendocino, Ocean, Petaluma, Redwood, Salt Point and Vallejo shall constitute the Tenth Assembly District.

11. All that portion of the county of Sonoma not included in the Tenth Assembly District, as designated and constituted by this section, shall constitute the Eleventh Assembly District.

12. The county of Solano shall constitute the Twelfth Assembly District.

13. All that portion of the county of Sacramento composed of that part of the city of Sacramento lying north of the center of "K" street, west of the center line of Thirty-first street, and all that portion of Sacramento County lying in the fourth supervisor district (as shown on the official map of 1911) with the exception of that portion of said supervisor district lying west of the lower Stockton road, shall constitute the Thirteenth Assembly District.

14. All that portion of the county of Sacramento not included in the Thirteenth Assembly District, as designated and constituted by this section, shall constitute the Fourteenth Assembly District.

15. The counties of Placer, El Dorado and Alpine shall constitute the Fifteenth Assembly District.

16. The counties of Amador, Calaveras, Mono and Tuolumne shall constitute the Sixteenth Assembly District.

17. All that portion of the county of San Joaquin comprising the city of Stockton shall constitute the Seventeenth Assembly District.

18. All that portion of the county of San Joaquin, not included in the Seventeenth Assembly District, as designated and constituted by this section, shall constitute the Eighteenth Assembly District.

19. The county of Contra Costa shall constitute the Nineteenth Assembly District.

20. The county of Marin shall constitute the Twentieth Assembly District.

21. All that portion of the county of Alameda lying easterly of a line described as follows: Beginning at a point where the boundary line between Eden and Alameda townships intersects the westerly-boundary line of Alameda county; thence easterly and northerly along the boundary line of Alameda Township to the line dividing Brooklyn and Eden townships; thence easterly along the boundary line between Eden and Brooklyn townships to the southwesterly boundary line of the town of San Leandro; thence northerly and easterly along said boundary line to the center of East Fourteenth street; thence northwesterly following along the center line of East Fourteenth street to the center line of Moss avenue, in the city of Oakland; thence northeasterly along the center line of Moss avenue and a direct extension of said center line to the northeasterly boundary line of the city of Oakland; thence following the said northeasterly boundary line of the city of Oakland in a northwesterly direction to its intersection with the northeasterly boundary line of the county of Alameda, shall constitute the Twenty-first Assembly District.

22. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the boundary line between Eden and Alameda townships intersects the westerly boundary line of the county of Alameda; thence in an easterly and northerly direction along the boundary line of Alameda Township to the line dividing Brooklyn and Eden townships; thence in an easterly direction along the boundary line between Eden and Brooklyn townships to the southeasterly boundary line of the town of San Leandro; thence northerly and easterly following the said town line to the center line of East Fourteenth street; thence northwesterly following the center line of East Fourteenth street and an extension of the same to its inter-

section with the line dividing Brooklyn and Oakland townships, said point being in Lake Merritt; thence southwesterly along said township line to its intersection with the northerly boundary line of Alameda Township; thence westerly following along the said northerly boundary line of Alameda Township to its intersection with the westerly boundary line of Alameda County; thence southeasterly along said county boundary line to the point of beginning, shall constitute the Twenty-second Assembly District.

23. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Thirteenth avenue is intersected by the center line of East Fourteenth street, in the city of Oakland; thence northwesterly along the center line of East Fourteenth street and an extension of said center line to a point where the same intersects the westerly boundary line of Brooklyn Township, in Lake Merritt; thence northeasterly following along the boundary line between Brooklyn and Oakland townships to the southerly boundary line of the city of Piedmont; thence easterly, northerly and westerly following the said boundary line of the city of Piedmont to the line dividing Oakland and Brooklyn townships; thence northeasterly along said dividing line between Oakland and Brooklyn townships to its intersection with the northeasterly boundary line of the city of Oakland; thence southeasterly following said city boundary line to a point where the same would be intersected by a direct extension northeasterly of the center line of Moss avenue; thence southwesterly along said extension and along the center line of Moss avenue to the center line of East Fourteenth street; thence northwesterly along the center line of East Fourteenth street to the center line of Thirteenth avenue, and the point of beginning, shall constitute the Twenty-third Assembly District.

24. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Broadway is intersected by the center line of Thirteenth street, in the city of Oakland; thence southeasterly along the center line of Thirteenth street and a direct extension of said center line to its intersection with the line dividing Brooklyn and Oakland townships; thence northeasterly following along the line dividing Brooklyn and Oakland townships to a point in the southerly boundary line of the city of Piedmont; thence easterly, northerly and westerly, following the southern, eastern and northern boundary line of the city of Piedmont to its intersection with the easterly boundary of the city of Oakland, as the same existed prior to the annex of 1909; thence northwesterly along the easterly boundary line of the city of Oakland, as the same existed prior to the annex of 1909, to its intersection with the center line of Broadway; thence southerly along the center line of Broadway to the center line of Fifty-first, or Vernon street; thence westerly following along the center line of Fifty-first street to the center line of Shattuck avenue; thence southerly along the center line of Shattuck avenue to the center line of Temescal Creek; thence westerly down the center of Temescal Creek to the center of Grove street; thence southerly along the center of Grove street to the center of San Pablo avenue; thence southerly along the center of San Pablo avenue to the center of Broadway; thence southerly along the center of Broadway to the center of Thirteenth street, and point of beginning, shall constitute the Twenty-fourth Assembly District.

25. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Adeline street is intersected by the center line of Twenty-second street, in the city of Oakland; thence easterly along the center line of Twenty-second street to the center line of Grove street; thence southerly along the center line of Grove street to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the center line of Thirteenth street and a direct extension of said center line to its intersection with the line dividing Brooklyn and Oakland townships; thence southerly along the line dividing Oakland and Brooklyn townships to the line dividing Oakland and Alameda townships; thence westerly along the line dividing Oakland and Alameda townships to a point where a direct extension of the center line of Adeline street would intersect the same; thence northerly along said extension and along the center line of Adeline street to the point of beginning, shall constitute the Twenty-fifth Assembly District.

26. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Adeline street is intersected by the center line of Twenty-second street, in the city of Oakland; thence easterly along the center line of Twenty-second street to the center line of Grove street; thence northerly along the center line of Grove street to the center of Temescal Creek; thence westerly down the center of Temescal Creek to the town of Emeryville; thence westerly and northerly following the boundary line of the town of Emeryville to the southerly boundary line of the city of Berkeley and a direct extension of the same to its intersection with the westerly boundary line of Alameda County; thence southerly along the westerly boundary line of Alameda County to its intersection with the line dividing Oakland and Alameda townships; thence easterly along the line dividing Oakland and Alameda townships to a point where a direct extension of the center line of Adeline street would intersect the same; thence northerly along

said extension and along the center line of Adeline street to the center line of Twenty-second street, and the point of beginning, shall constitute the Twenty-sixth Assembly District.

27. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the easterly boundary line of the town of Emeryville is intersected by the southerly boundary line of the city of Berkeley; thence southerly and easterly along the boundary line of the town of Emeryville to a corner thereof, the same being in the center of Temescal Creek; thence up the center of Temescal Creek to the center of Shattuck avenue; thence northerly along the center line of Shattuck avenue to the center line of Russell street; thence westerly along the center line of Russell street to the center line of Milvia street; thence northerly along the center line of Milvia street to the center line of Codornices Creek; thence westerly down the center of Codornices Creek to the easterly boundary line of the town of Albany; thence northerly along the easterly line of the town of Albany to the northern boundary of the county of Alameda; thence westerly and southerly along the northern and western boundary line of the county of Alameda to a point where said boundary line would be intersected by a direct extension westerly of the southerly boundary line of the city of Berkeley; thence easterly along said extension and along the southern boundary line of the city of Berkeley to the point of beginning, shall constitute the Twenty-seventh Assembly District.

28. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Shattuck avenue is intersected by the center line of Fifty-first, or Vernon street, in the city of Oakland; thence easterly along the center line of Fifty-first, or Vernon street, to the center line of Broadway; thence northeasterly along the center line of Broadway to its intersection with the northeasterly boundary line of the city of Oakland, as the same existed prior to the annex of 1909; thence southeasterly along said boundary line of the city of Oakland, as the same existed prior to the annex of 1909, to its intersection with the northerly boundary line of the city of Piedmont; thence easterly following the northerly boundary line of the city of Piedmont to its intersection with the boundary line dividing Brooklyn and Oakland townships; thence northeasterly along the line dividing Brooklyn and Oakland townships to its intersection with the northeasterly boundary line of Alameda County; thence northwesterly and westerly following along the county boundary line to its intersection with the easterly boundary line of the town of Albany; thence southerly along the easterly boundary line of the town of Albany to its intersection with the center line of Codornices Creek; thence easterly up the center of Codornices Creek to its intersection with the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Russell street; thence easterly along the center line of Russell street to the center line of Shattuck avenue; thence southerly along the center line of Shattuck avenue to the center line of Fifty-first, or Vernon, street, and the point of beginning, shall constitute the Twenty-eighth Assembly District.

29. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Market street with the center line of Eleventh street; thence along the center line of the following named streets, to wit: Eleventh street to Bryant avenue, Bryant avenue to Twentieth street, Twentieth street to the bay of San Francisco; thence northerly along the shore line of said bay to its intersection with the center line of Market street; thence along the center line of Market street to the point of beginning, shall constitute the Twenty-ninth Assembly District.

30. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Twentieth street with the center line of Bryant avenue; thence along the center line of the following named streets, to wit: Bryant avenue to Army street, Army street to San Bruno avenue, San Bruno avenue to the boundary line between the city and county of San Francisco and the county of San Mateo; thence easterly along said boundary line to the bay of San Francisco; thence northerly along the shore line of the bay of San Francisco to its intersection with the center line of Twentieth street; thence along the center line of Twentieth street, to the point of beginning, shall constitute the Thirtieth Assembly District.

31. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Dolores and Twenty-ninth streets; continuing thence along the center line of the following named streets, to wit: Twenty-ninth to Mission, Mission to Army, Army to San Bruno avenue, San Bruno avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo; thence along said boundary line westerly to San Jose avenue, San Jose avenue to Dolores street, Dolores street to Twenty-ninth street, the place of beginning, shall constitute the Thirty-first Assembly District.

32. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Twenty-second and Dolores streets; continuing thence along the center line of the following named streets: Dolores street to San Jose avenue, San Jose avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo; thence along said

boundary line westerly to the intersection of the waters of the Pacific Ocean; thence along the shore line of said ocean northerly to the Sloat boulevard; thence along Sloat boulevard to Corbett avenue, Corbett avenue to Burnett avenue, Burnett avenue to Dixie alley, Dixie alley to Grand View avenue, Grand View avenue to Twenty-second street, Twenty-second to Dolores street, the place of beginning, shall constitute the Thirty-second Assembly District.

33. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Twenty-first street with the center line of Dolores street; thence along the center line of the following named streets, to wit: Twenty-first street to San Carlos street, San Carlos street to Eighteenth street, Eighteenth street to Shotwell street, Shotwell street to Twenty-first street, Twenty-first street to Bryant avenue, Bryant avenue to Army street, Army street to Mission street, Mission street to Twenty-ninth street, Twenty-ninth street to Dolores street, Dolores street to point of beginning, shall constitute the Thirty-third Assembly District.

34. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Oak and Fillmore streets; continuing thence along the center line of the following named streets: Fillmore street to Duboce avenue, Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to Dolores street, Dolores street to Twenty-second street, Twenty-second street to Grand View avenue, Grand View avenue to Dixie alley, Dixie alley to Burnett avenue, Burnett avenue to Corbett avenue, Corbett avenue to the westerly boundary line of the San Miguel Rancho; thence along the line of said San Miguel Rancho northeasterly to Locksley avenue, Locksley avenue to Kirkham street; thence along the line of Kirkham street, if extended, easterly to a point in the easterly boundary line of the San Miguel Rancho opposite Seventeenth street; thence along said line southerly to Palo Alto avenue, Palo Alto avenue to Burnett avenue, Burnett avenue to Clarendon avenue, Clarendon avenue to Clayton street, Clayton street to Frederick street, Frederick street to Buena Vista avenue, Buena Vista avenue to Central avenue, Central avenue to Oak street, Oak street to Fillmore street, the place of beginning, shall constitute the Thirty-fourth Assembly District.

35. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Turk and Baker streets, continuing thence along the center of the following named streets: Baker to Oak street, Oak street to Central avenue, Central avenue to Buena Vista avenue, Buena Vista avenue to Frederick street, Frederick to Clayton, Clayton street to Clarendon avenue, Clarendon avenue to Burnett avenue, Burnett avenue to Palo Alto avenue, Palo Alto avenue to the easterly boundary line of San Miguel Rancho; thence along said line northerly to a point opposite Seventeenth street; thence westerly along Seventeenth street, if extended, to Kirkham street, Kirkham street to Locksley avenue, Locksley avenue to the westerly line of San Miguel Rancho; thence along said line to the Sloat boulevard, Sloat boulevard to the intersection of the waters of the Pacific Ocean; thence along said shore line northerly to Fulton street, Fulton street to Masonic avenue, Masonic avenue to Turk street, Turk to Baker street, the place of beginning, shall constitute the Thirty-fifth Assembly District.

36. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Fulton street and Masonic avenue; thence continuing along the center of the following named streets: Masonic avenue to Turk street, Turk street to St. Joseph avenue, St. Joseph avenue to Geary street, Geary to Baker, Baker to California, California to Laurel, Laurel street to the southerly boundary line of the Presidio Reservation; thence along said boundary line westerly to Lobos Creek; thence along the line of said creek to where it empties into the waters of the Pacific Ocean; thence along the ocean shore line of Pacific Ocean westerly and southerly to Fulton street, Fulton street to Masonic avenue, the place of beginning, together with the islands known as the Farallon Islands, shall constitute the Thirty-sixth Assembly District.

37. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Market street with the center line of Eleventh street; thence along the center line of the following named streets, to wit: Market street to Van Ness avenue, Van Ness avenue to Oak street, Oak street to Fillmore street, Fillmore street to Duboce avenue, Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to San Carlos street, San Carlos street to Eighteenth street, Eighteenth street to Shotwell street, Shotwell street to Twenty-first street, Twenty-first street to Bryant avenue, Bryant avenue to Eleventh street, Eleventh street to the point of beginning, shall constitute the Thirty-seventh Assembly District.

38. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Ellis street and Van Ness avenue; continuing thence along the center line of the following named streets: Van Ness avenue to Oak street, Oak to Baker, Baker to Turk, Turk street to St. Joseph avenue, St. Joseph avenue to Ellis street, Ellis street to Van Ness avenue, the place of beginning, shall constitute the Thirty-eighth Assembly District.

39. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Washington street and Van Ness avenue; continuing thence along the center line of the following named streets: Van Ness avenue

to Ellis street, Ellis street to St. Joseph avenue, St. Joseph avenue to Geary street, Geary to Baker, Baker to Washington, Washington street and the extension of Washington street across Alta Plaza to Van Ness avenue, the place of beginning, shall constitute the Thirty-ninth Assembly District.

40. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Washington street and Van Ness avenue; continuing thence along the center line of the following named streets: Van Ness avenue to Green, Green to Hyde, Hyde to the waters of the bay of San Francisco; thence westerly and southerly along the shore line of the bay of San Francisco and the Pacific Ocean to the point where Lobos Creek empties into the waters of said ocean; thence along the line of Lobos Creek to the southerly boundary line of the Presidio Reservation; thence along said boundary line to Laurel street, Laurel to California, California to Baker, Baker to Washington, Washington street and the extension of Washington street across Alta Plaza to Van Ness avenue, the place of beginning, shall constitute the Fortieth Assembly District.

41. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Market street and Van Ness avenue; continuing thence along the center line of the following named streets: Van Ness to Green, Green to Mason, Mason to Ellis, Ellis to Jones, Jones to Market, Market to Van Ness avenue, the place of beginning, shall constitute the Forty-first Assembly District.

42. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Market and Jones streets; continuing thence along the center line of the following named streets: Jones to Ellis, Ellis to Mason, Mason to Green, Green to Hyde, Hyde to the waters of the bay of San Francisco; thence easterly along the shore line of said bay to Market street, Market to Jones, the place of beginning, together with all the waters of the bay of San Francisco, and the islands contained therein, situated within the boundaries of the city and county of San Francisco, shall constitute the Forty-second Assembly District.

43. The county of San Mateo shall constitute the Forty-third Assembly District.

44. The county of Santa Cruz shall constitute the Forty-fourth Assembly District.

45. All that portion of the county of Santa Clara, not included in the Forty-sixth Assembly District, as designated and constituted by this section, shall constitute the Forty-fifth Assembly District.

46. All that portion of the county of Santa Clara embraced within the following precincts, as constituted at the general election in nineteen hundred and ten, to wit: Agnews, that part of Alameda precinct lying north of the center line of Park avenue, Agviso, Berryessa, Burbank, that part of Crandallville precinct number one lying outside of the city limits of the city of San Jose, as established in 1911, Cupertino, East San Jose number two, Fremont, Jefferson, Mayfield, Milpitas numbers one and two, Mountain View numbers one and two, Mount Hamilton, Orchard, Palo Alto numbers one, two, three, four and five, Purissima, San Jose numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve, Santa Clara numbers one, two, three and four, Saratoga, Stanford, Stockton, Sunnyvale numbers one and two, and University numbers one and two, shall constitute the Forty-sixth Assembly District.

47. The county of Stanislaus shall constitute the Forty-seventh Assembly District.

48. The counties of Mariposa, Merced and Madera shall constitute the Forty-eighth Assembly District.

49. The counties of San Benito and Monterey shall constitute the Forty-ninth Assembly District.

50. All that portion of the county of Fresno, which was on November 1, 1911, embraced within the boundaries of the Sixtieth Assembly District, shall constitute the Fiftieth Assembly District.

51. All that portion of the county of Fresno, which was on November 1, 1911, embraced within the boundaries of the Sixty-first Assembly District, shall constitute the Fifty-first Assembly District.

52. The county of Kings shall constitute the Fifty-second Assembly District.

53. The counties of Tulare and Inyo shall constitute the Fifty-third Assembly District.

54. The county of San Luis Obispo shall constitute the Fifty-fourth Assembly District.

55. The county of Kern shall constitute the Fifty-fifth Assembly District.

56. The county of Santa Barbara shall constitute the Fifty-sixth Assembly District.

57. The county of Ventura shall constitute the Fifty-seventh Assembly District.

58. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: La Liebre, Del Sur, Lancaster, Palmdale, Acton, Newhall, San Fernando, Chatsworth, Calabasas, Lankershim, La Cañada, Sunland, Burbank, Glendale City, Eagle Rock, Annandale, Hermon, that part of Ivanhoe and of Tropic numbers one and two not included within the city of Los Angeles, as the boundaries of said city existed November 1, 1911, Los Angeles City precincts numbers one, two, three, four, six, seven, eight and nine, that portion of Los Angeles City precincts numbers five, thirteen and fourteen lying westerly of the center line of Griffin avenue, and the prolongation of said center line of Griffin avenue to the north patent boundary line of the city of Los Angeles, and that part of Los Angeles City precinct number eleven

lying west of the center line of Daly street, shall constitute the Fifty-eighth Assembly District.

59. All that portion of the county of Los Angeles included within and comprising the following election precincts of nineteen hundred ten, to wit: Redondo Beach City numbers one and two, Hermosa Beach City, Wiseburn, Inglewood City, Freeman, Del Rey, Ocean Park City numbers one, two and three, Moneta, Howard, Ballona, Cienega, Santa Monica City numbers one, two, three, four, five, six, seven, eight and nine, Malibu, National Military Home numbers one, two, three, four, five and six, Sawtelle City numbers one, two and three, and Sherman, shall constitute the Fifty-ninth Assembly District.

60. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Cahuenga, Hollywood City numbers one and two, those parts of Ivanhoe and of Tropico numbers one and two, which were annexed to the city of Los Angeles prior to November 1, 1911, and Los Angeles City precincts numbers twenty-six, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, one hundred fifty-eight, one hundred fifty-nine, one hundred sixty, one hundred sixty-one, one hundred sixty-two, one hundred sixty-three, one hundred sixty-four, one hundred sixty-five, one hundred sixty-six and one hundred sixty-seven, shall constitute the Sixtieth Assembly District.

61. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City precincts numbers twenty-eight, twenty-nine, thirty-seven, forty, forty-one, forty-two, forty-three, forty-five, forty-six, forty-seven, fifty, fifty-one, fifty-three, fifty-four, that part of Los Angeles City precincts numbers thirty-eight, thirty-nine and forty-four lying westerly of the center line of Hill street, that part of Los Angeles City precinct number forty-eight lying easterly of the center line of Alvarado street, and that part of Los Angeles City precinct number fifty-five lying northerly of the center line of Fifth street from Fremont avenue to Boylston street, shall constitute the Sixty-first Assembly District.

62. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City precincts numbers fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, one hundred twenty-one, one hundred twenty-two, one hundred twenty-three, one hundred twenty-nine, one hundred thirty-seven, one hundred thirty-eight, one hundred forty-one, one hundred forty-two, one hundred forty-five, one hundred fifty, one hundred fifty-two, that part of Los Angeles City precinct number forty-eight lying westerly of the center line of Alvarado street, and that part of Los Angeles City precinct number fifty-five lying south of the center line of Fifth street from Fremont avenue to Boylston street, shall constitute the Sixty-second Assembly District.

63. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City precincts numbers one hundred twenty-four, one hundred twenty-five, one hundred twenty-six, one hundred thirty, one hundred thirty-one, one hundred thirty-two, one hundred thirty-three, one hundred thirty-four, one hundred thirty-five, one hundred thirty-nine, one hundred forty, one hundred forty-three, one hundred forty-four, one hundred forty-six, one hundred forty-seven, one hundred forty-eight, one hundred forty-nine, one hundred fifty-one, one hundred fifty-three, one hundred fifty-four, one hundred fifty-five, one hundred fifty-six, that part of Los Angeles City precincts numbers one hundred thirty-six and one hundred fifty-seven lying north of the center line of Jefferson street, that part of Los Angeles City precinct number one hundred twenty-seven lying west of the center line of Maple avenue, that part of Los Angeles City precinct number one hundred twenty-eight lying west of the center line of Maple avenue and north of the center line of Jefferson street and that part of Los Angeles City precinct number one hundred seventy-seven, bounded by the west patent boundary line of the city of Los Angeles, the center line of Hoover street (formerly Kingsley street) and the center line of West Jefferson street, shall constitute the Sixty-third Assembly District.

64. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City precincts numbers seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-seven, thirty-six, forty-nine, fifty-two, eighty-one, eighty-three, eighty-eight, eighty-nine, one hundred twelve, one hundred nineteen, one hundred twenty, that part of Los Angeles City precincts numbers thirty-eight, thirty-nine and forty-four lying easterly of the center line of Hill street, that part of Los Angeles City precinct number eighty-two lying north of the center line of Seventh street and west of the following described line, beginning at the intersection of the center line of First street with the center line of Pecan street, thence southerly along the center line of Pecan street to the center line of Fifth street; thence westerly along the center line of Fifth street to the center line of Gloss street; thence southerly along the center line of Gloss street to the center line of Sixth street; thence westerly along the center line of Sixth street to the center line of Clarence street (from the south); thence southerly along the center line of

Clarence street to the center line of Sunrise street; thence westerly along the center line of Sunrise street to the center line of Utah street; thence southerly along the center line of Utah street to the center line of Seventh street, and that part of Los Angeles City precinct number eighty-four lying north of the center line of Sixth street and its prolongation easterly to the easterly boundary of said precinct, shall constitute the Sixty-fourth Assembly District.

65. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City precincts numbers eighty-five, eighty-six, eighty-seven, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-six, ninety-seven, one hundred, one hundred one, one hundred two, one hundred three, one hundred four, one hundred five, one hundred six, one hundred seven, one hundred thirteen, one hundred fourteen, one hundred fifteen, one hundred sixteen, one hundred seventeen, that part of Los Angeles City precinct number eighty-four lying south of the center line of Sixth street and its prolongation easterly to the easterly boundary line of said precinct, that part of Los Angeles City precinct number ninety-five lying north of the center line of Twenty-first street and west of the center line of Compton avenue, and those parts of Los Angeles City precincts numbers ninety-eight, one hundred eight and one hundred eighteen lying north of the center line of Twenty-first street, shall constitute the Sixty-fifth Assembly District.

66. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City precincts numbers ten, twelve, fifteen, sixteen, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, that part of Los Angeles City precincts numbers five, thirteen and fourteen lying easterly of the center line of Griffin avenue, and the prolongation of said center line of Griffin avenue to the north patent boundary line of the city of Los Angeles, that part of Los Angeles City precinct number eleven lying east of the center line of Daly street, and that part of Los Angeles City precinct number eighty-two lying south of the center line of Seventh street, also that part of said precinct lying east of the following described line: Beginning at the intersection of the center line of First street with the center line of Pecan street, thence southerly along the center line of Pecan street to the center line of Fifth street; thence westerly along the center line of Fifth street to the center line of Gless street; thence southerly along the center line of Gless street to the center line of Sixth street; thence westerly along the center line of Sixth street to the center line of Clarence street (from the south); thence southerly along the center line of Clarence street to the center line of Sunrise street; thence westerly along the center line of Sunrise street to the center line of Utah street; thence southerly along the center line of Utah street to the center line of Seventh street, shall constitute the Sixty-sixth Assembly District.

67. All that portion of the county of Los Angeles included within and comprising the following election precincts of nineteen hundred ten, to wit: Pasadena City numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and Altadena, shall constitute the Sixty-seventh Assembly District.

68. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Claremont City, La Verne, Lordsburg City, San Dimas, Pomona City numbers one, two, three, four, five and six, Spadra, Azusa, Azusa City, Glendora, Covina, Covina City, Rowland, Rivera, Los Nietos, Whittier City numbers one, two, three and four, and that part of El Monte precinct lying south of the westerly prolongation of the south line of Santa Anita precinct and east of the line dividing ranges eleven and twelve west, in township one south, San Bernardino base and meridian, shall constitute the Sixty-eighth Assembly District.

69. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Monrovia City numbers one, two and three, Duarte, Arcadia City numbers one and two, Sierra Madre City, Lamanda numbers one and two, Santa Anita, San Gabriel, Alhambra City numbers one, two and three, South Pasadena City numbers one, two and three, Baird, Belvidere numbers one and two, Montebello, Laguna, Fruitland, Vernon City, Huntington Park City numbers one and two, that part of the precincts of Miramonte and Florence lying east of the center line of the right of way of the Long Beach line of the Pacific Electric Railway Company, and that part of the precinct of El Monte lying north of the westerly prolongation of the southerly line of Santa Anita precinct and also that part of said precinct of El Monte lying west of the line dividing ranges eleven and twelve west, in township one south, San Bernardino base and meridian, shall constitute the Sixty-ninth Assembly District.

70. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Long Beach City numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen,

and nineteen, Naples, Alamitos, Cerritos, Artesia, Norwalk, La Mirada, East Whittier, Downey numbers one and two, Clearwater, Willowbrook, Dominguez, Watts City, Compton City, and that part of Wilmington precinct which was annexed to the city of Long Beach prior to November 1, 1911, shall constitute the Seventieth Assembly District.

71. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Catalina, Lomita, Green Meadows, Gardena numbers one and two, all of Wilmington precinct, except the part which was prior to November 1, 1911, annexed to the city of Long Beach, that part of the precincts of Miramonte and Florence lying west of the center line of the right of way of the Long Beach line of the Pacific Electric Railway Company, and Los Angeles City precincts numbers one hundred ninety-two, one hundred ninety-three, one hundred ninety-four, one hundred ninety-seven, one hundred ninety-eight, one hundred ninety-nine, two hundred, two hundred four, two hundred five, two hundred six, two hundred seven, two hundred eight, two hundred eleven, two hundred thirteen, two hundred eighteen, two hundred nineteen, two hundred twenty-three, two hundred twenty-four, two hundred twenty-five, two hundred twenty-six, two hundred twenty-seven, two hundred twenty-eight, two hundred twenty-nine and two hundred thirty, shall constitute the Seventy-first Assembly District.

72. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City numbers one hundred sixty-eight, one hundred sixty-nine, one hundred seventy, one hundred seventy-one, one hundred seventy-two, one hundred seventy-three, one hundred seventy-four, one hundred seventy-five, one hundred seventy-six, one hundred seventy-eight, one hundred seventy-nine, one hundred eighty, one hundred eighty-one, one hundred eighty-two, one hundred eighty-three, one hundred eighty-four, one hundred eighty-five, one hundred eighty-six, one hundred eighty-seven, one hundred eighty-eight, one hundred eighty-nine, one hundred ninety, one hundred ninety-one, that part of Los Angeles City precinct number one hundred fifty-seven lying south of the center line of Jefferson street, and all of Los Angeles City precinct number one hundred seventy-seven, except that portion thereof bounded by the west patent boundary line of the city of Los Angeles, the center line of Hoover street (formerly Kingsley street) and the center line of West Jefferson street, shall constitute the Seventy-second Assembly District.

73. All that portion of the county of Los Angeles including within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City numbers ninety-nine, one hundred nine, one hundred ten, one hundred eleven, one hundred ninety-five, one hundred ninety-six, two hundred one, two hundred two, two hundred three, two hundred nine, two hundred ten, two hundred twelve, two hundred fourteen, two hundred fifteen, two hundred sixteen, two hundred seventeen, two hundred twenty, two hundred twenty-one, two hundred twenty-two, all of Los Angeles City precinct number ninety-five, except that part lying north of the center line of Twenty-first street and west of the center line of Compton avenue, that part of Los Angeles City precincts numbers ninety-eight, one hundred eight and one hundred eighteen lying south of the center line of Twenty-first street, that part of Los Angeles City precinct number one hundred twenty-seven lying east of the center line of Maple avenue, all of Los Angeles City precinct number one hundred twenty-eight, except that portion lying west of the center line of Maple avenue and north of the center line of Jefferson street, and that part of Los Angeles City precinct number one hundred thirty-six lying south of the center line of Jefferson street, shall constitute the Seventy-third Assembly District.

74. The county of Orange shall constitute the Seventy-fourth Assembly District.

75. All that portion of the county of San Bernardino comprised within the following townships, as such townships were constituted November 1, 1911, to wit: Chino, Ontario, Upland, Cucamonga, Etiwanda, San Bernardino, Hesperia, Victor, Oro Grande, Barstow and Belville shall constitute the Seventy-fifth Assembly District.

76. All that portion of the county of San Bernardino not included within the Seventy-fifth Assembly District, as designated and constituted by this section, shall constitute the Seventy-sixth Assembly District.

77. The county of Riverside shall constitute the Seventy-seventh Assembly District.

78. All that portion of the county of San Diego included within the present boundaries of the first, second, third, fourth, fifth, sixth and seventh wards of the city of San Diego, shall constitute the Seventy-eighth Assembly District.

79. All that portion of the county of San Diego not included in the Seventy-eighth Assembly District, as designated and constituted by this section, shall constitute the Seventy-ninth Assembly District.

80. The county of Imperial shall constitute the Eightieth Assembly District.

SEC. 3. Any precinct, or portion of any precinct, not specifically described herein as constituting a portion of either a Senatorial or Assembly district, shall be attached to and constitute a part of the Senatorial or Assembly district adjacent thereto and situated within the same county or city and county, having, as shown by the last Federal census, a less population than any other such district adjacent thereto.

SEC. 4. An Act entitled "An Act to divide the State into legislative districts as required by section six, article four of the Constitution and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891, and also an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act are hereby repealed.

Amendment adopted.

Bill read second time, ordered to print and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Thompson, the Secretary was directed to issue a rush order for printing Senate Bill No. 52 and Assembly Bill No. 66.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 46, the same was taken up for consideration.

Senate Bill No. 46—An Act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights, or construction thereby of water-works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

Read third time previously.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Boynton moved to refer to Senator Caminetti as a special committee of one, to amend as follows:

By striking out of Section 2, line 2, the words "or portion of a county, or city and county,".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 19, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 46, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Committee.

Report of special committee of one, and amendment, adopted.

Also:

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Strobridge as a special committee of one, to amend as follows:

Insert in Section 12, page 13, Subdivision 7, line 6, after the word "condemn", the words "in its entirety and not otherwise".

Also: by striking out, same section, page and subdivision, on lines 7 and 8, the words "or any portion thereof."

And: adding on page 13, Subdivision 7 of Section 12, after the word "corporation" in line 8, the following: "when the same are not in active operation or the work of projecting the same to completion is not being actively carried on."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 19, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 46, with instructions to amend, respectfully reports the same back, amended as per instructions.

STROBRIDGE, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

WITHDRAWAL OF BILL.

Senator Estudillo asked for, and was granted, unanimous consent to withdraw Senate Joint Resolution No. 5—Referring to the Yosemite Valley and Mariposa grove of big trees.

Senate Joint Resolution No. 5 ordered withdrawn, and stricken from the file.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS, ETC.

Senate Joint Resolution No. 3—Relative to restricting Japanese and other Asiatic immigration.

On motion of Senator Sanford, Senate Joint Resolution No. 3 was temporarily passed on file, to retain its place.

Senate Bill No. 37—An Act to amend Section 3494 of the Political Code of the State of California, relating to the sale of school lands.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 37 passed by the following vote:

AYES—Senators Avey, Bohan, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juillard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Steison, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, December 19, 1911.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 54—An Act to amend section thirty-one of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for irrigation of the lands embraced within such district, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

LEWIS, Chairman.

Senate Bill No. 54 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 19, 1911.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 55—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, by amending Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 20, 22, 24, 27, and 28 of said Act, and by repealing Sections 16, 21, and 31 of said Act, and by adding a new section to said Act to be designated as Section 29, relating to the duties of the county clerk and registrar of voters; also by adding a new section to said Act to be designated as Section 30, relating to the continuance of proceedings heretofore commenced under said Act; also by adding a new section to said Act to be designated as Section 31, amending the title of said Act to read as follows: "An Act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts"—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

LEWIS, Chairman.

Senate Bill No. 55 ordered on file for second reading.

LEAVE OF ABSENCE.

Senator Lewis was, on his own motion, granted leave of absence for the remainder of this day.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 47—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

On motion of Senator Estudillo, Senate Bill No. 47 was temporarily passed on file, to retain its place.

Senate Bill No. 20—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by Congress to the State of California for the benefit of the public schools, and internal improvements, authorizing the conveyance of land by officers of the State for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions hereof.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 20 passed by the following vote:

AYES—Senators Avey, Reban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 48—An Act regulating and limiting the appropriation of water and the use of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water or the use of water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for water or the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for longer period than forty years; limiting the right to water or the use of water appropriated for generating electricity or electrical or other power to the specific purpose for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood water for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water or the use of water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for water or the use of water appropriated for electricity or electrical or other power and fixing fees and

charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or other power and providing a penalty therefor; creating and establishing a state water commission; providing the powers and duties of said water commission and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to the said water commission; providing for the appointment and compensation of employees and assistants to said water commission; limiting the expenses of said water commission and providing for the payment thereof; making an appropriation to carry out the provisions of this Act; fixing the place of business of said water commission; declaring the diversion of water or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood water for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control; providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also

providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act," approved April 8th, 1911.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 48 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Avey asked for, and was granted, unanimous consent to withdraw Senate Bill No. 18—An Act to amend section seventeen of the Political Code of the State of California, relating to definitions of certain terms used in said code.

Senate Bill No. 18 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 15—An Act to amend section ten hundred ninety-six of the Political Code of the State of California.

On motion of Senator Bell, Senate Bill No. 15 was temporarily passed on file, to retain its place.

Senate Bill No. 39—An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for conveyance of such water to the place of use."

On motion of Senator Hurd, Senate Bill No. 39 was temporarily passed on file, to retain its place.

SENATE JOINT RESOLUTION No. 12.

Relative to arbitration peace treaties now pending before the Senate of the United States.

WHEREAS, The President of the United States has negotiated treaties with the United Kingdom of Great Britain and Ireland and with the Republic of France, each having for its object the arbitration of international differences arising between the contracting parties; and

WHEREAS, The horror and futility of war have been demonstrated through ages of cruelty and bloodshed; and

WHEREAS, The advanced nations of the world are moving to abolish this relic of barbarism and escape the heavy burdens of armament; now, therefore, be it

Resolved by the Senate and Assembly of California, jointly. That the Senate of the United States be and it is hereby requested and urged promptly to ratify the said treaties with said high contracting parties, thus signaling the desire of our people for peace and blazing a pathway to general disarmament and universal arbitration of international differences; and be it further

Resolved, That the Secretary of the Senate forward a copy of these resolutions to each of our Senators and Representatives in Congress.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 12 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—35.

NOES—Senator Hare—1.

Senate Joint Resolution No. 12 ordered engrossed and transmitted to the Assembly.

SENATE JOINT RESOLUTION No. 13.

Memorializing the Congress of the United States for favorable consideration of the project contained in the report of the California Débris Commission, relating to "control of floods in the river systems of the Sacramento Valley and the adjacent San Joaquin Valley, California."

WHEREAS, The Secretary of War, on the twenty-ninth day of June, 1911, submitted to the House of Representatives of the United States, duly approved and recommended for adoption, the report of the California Débris Commission, relating to "control of floods in the river systems of the Sacramento Valley and the adjacent San Joaquin Valley, California," now known and designated as House Document No. 81, Sixty-second Congress, first session; and

WHEREAS, The approval of said report contains the suggestion "that work begin at once, and provision be made for its early completion"; and

WHEREAS, The construction and completion of the project proposed in said report is of vital importance to the people of this State and of the whole country; and

WHEREAS, The Legislature of the State of California, in extraordinary session assembled, has by an Act of said Legislature adopted the project and recommendations set forth in said report of the California Débris Commission, and has in said Act provided for cooperation between the State of California and the Government of the United States in putting into effect the proposed project and recommendations; therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly. That the said Legislature memorializes the Congress of the United States for favorable consideration of the report of said California Débris Commission transmitted as aforesaid by the Secretary of War to Congress; be it further

Resolved. That duly authenticated copies of these resolutions be transmitted to the Senate and House of Representatives of the United States, the Secretary of War, and to each of our Senators and Representatives in Congress; be it further

Resolved. That our Senators in Congress be instructed, and our Representatives in Congress requested, to use all honorable means to secure favorable action on said report and said project.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 13 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—36.

NOES—None.

Senate Joint Resolution No. 13 ordered engrossed, and transmitted to the Assembly.

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of article four thereof, relating to senatorial and assembly districts, and repealing section twenty-seven of article four of said Constitution, relating to congressional districts and the formation thereof.

On motion of Senator Campbell, Senate Constitutional Amendment No. 7 was temporarily passed on file, to retain its place.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At four o'clock and five minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 50—An Act to repeal Section 1202 of the Political Code of the State of California, relating to ballot clerks—additional election officers.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 50 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 49—An Act to amend Section 1142 and 1204 of the Political Code of the State of California, relating to the board of election and manner of voting.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 49 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Cullen, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, and Wolfe—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 48—An Act to amend Section 1151 of the Political Code of the State of California, relating to boards of elections for special election precincts—poll lists.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 48 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cullen, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, and Wolfe—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR STROBRIDGE IN THE CHAIR.

At four o'clock and fifteen minutes P. M., Senator Strobridge of the Thirteenth District in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 15—An Act to amend Section 1855a of the Code of Civil Procedure, relative to the introduction of abstracts of title in evidence.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 15 finally passed by the following vote:

AYES—Senators Beban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Finn, Gates, Hans, Hare, Holohan, Juilliard, Martinelli, Regan, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, and Wright—28.

NOES—Senators Hewitt, Larkins, and Roseberry—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 39—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purpose," approved March 31, 1897, by adding a new section thereto to be numbered 28½, and providing for the recall of elective officers of irrigation districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 39 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 67—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 67 finally passed by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At four o'clock and twenty-five minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS, ETC.—(RESUMED).

ASSEMBLY CONCURRENT RESOLUTION NO. 4,

Relative to the printing on stationery of state offices, an invitation on behalf of the State of California to participate in the Panama-Pacific International Exposition.

WHEREAS, The Panama-Pacific International Exposition is to be held in the city and county of San Francisco in the year 1915, having received the recognition of the Federal Government, and being in part financed by the State of California, and the Panama-California Exposition is to be held in the city of San Diego in the year of 1915; and

WHEREAS, The people of the State of California are unitedly interested in the success of such expositions, and are desirous of lending all possible assistance towards that end; and

WHEREAS, We believe that the State of California should extend invitation to the people of the world to attend the expositions, and that by placing such an invitation upon all stationery of the State of California, and of its various offices and departments, it will reach many thousands of people outside the State, and in addition thereto will assure the people of the world that the State of California extends its well-known hospitality; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring. That the Superintendent of State Printing be and he is hereby requested and urged to have printed the design and inscription hereinafter suggested, upon any and all stationery, letter heads, and envelopes which he may hereafter print and distribute, until January 1, 1915. The design and inscription above referred to is as follows: The words "California Invites the World" around the outside of a semi-circle; inside the semi-circle the figures 1915 in larger type.

Concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 4 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Wolfe, and Wright—35.

NOES—None.

Assembly Concurrent Resolution No. 4 ordered transmitted to the Assembly.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Wright asked for, and was granted, unanimous consent to take up for consideration out of order all bills on second-reading file.

Assembly Bill No. 61—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read second time, and on file for third reading.

Assembly Bill No. 53—An Act to amend Section 2694 of the Political Code, relating to public highways.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 14, strike out the words "persons over whose lands said" and insert in lieu thereof the following: "resident owners or agent of the owner of the land over which the".

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 32—An Act to amend section eight of an Act entitled "An Act to provide for the formation and establishment of boulevard districts, the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts and the construction, maintenance and repair of boulevards within such districts; providing for the election of such commission, their terms of office, and of elections to be held in such districts; and repealing an Act entitled 'An Act to provide for the formation of boulevard districts, and the construction, maintenance and use of boulevards, and define the term boulevard,' approved March 22d, 1905, and the Act amendatory thereof, approved April 15th, 1909," approved May 1st, 1911; said amendments relating to the election, appointment and qualifications of the members of said boulevard commission.

During second reading of the bill, the following amendments were submitted by committee:

Strike out the letter "d" after the figures "22", in line 17 of the title.

Amendment adopted.

Also:

Strike out the letters "th" after the figures "15", in line 18 of the title.

Amendment adopted.

Also:

Strike out the letters "st" after the figure "1", in line 19 of the title.

Amendment adopted.

Bill read second time, ordered to print and third reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Sanford asked for, and was granted, unanimous consent to take up Assembly Bills Nos. 17, 9, 10 and 11; also Senate Bills Nos. 49, 54 and 55.

Assembly Bill No. 17—An Act to amend an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Bill read second time, and on file for third reading.

Assembly Bill No. 9—An Act to amend Section 4058 of the Political Code, relating to direct legislation and including initiative and referendum, by electors of counties.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 7 of the printed bill, strike out the word "equal" and insert in lieu thereof the words "not less".

Amendment adopted.

Also:

On page 1, Section 1, line 7 of the printed bill, strike out the word "to" and insert in lieu thereof the word "than".

Amendment adopted.

Also:

In Section 1, on page 2, line 43 of the printed bill, strike out the word "equal" and insert in lieu thereof the words "not less".

Amendment adopted.

Also:

In Section 1, page 2, line 43 of the printed bill, strike out the word "to" and insert in lieu thereof the word "than".

Amendment adopted.

Also:

In Section 1, page 2, lines 44, 45, and 46 of the printed bill strike out the words "member of the house of representatives of the congress of the United States" and insert in lieu thereof the words "governor of the state".

Amendment adopted.

Also:

In Section 1, page 2, line 47 of the printed bill, strike out the word "congressman" and insert in lieu thereof the word "governor".

Amendment adopted.

Also:

In Section 1, page 3, line 56 of the printed bill, strike out the word "equal" and insert in lieu thereof the words "not less".

Amendment adopted.

Also:

In same line as preceding, strike out the word "to" and insert in lieu thereof the word "than".

Amendment adopted.

Also:

Same section and page, line 57, strike out and omit the words "at least."

Amendment adopted.

Also:

Same line as preceding, strike out and omit the word "such".

Amendment adopted.

Also:

Same section and page, line 58, strike out the word "congress" and insert in lieu thereof the word "governor".

Amendment adopted.

Also:

Same section and page, line 59, strike out the word "congress" and insert the word "governor".

Amendment adopted.

Also:

Same section and page, lines 55 and 56, strike out and omit the words "at which such candidates for congress are to be voted for".

Amendment adopted.

Also:

Section 1, page 5, line 145, strike out the word "twenty" and insert in lieu thereof the word "ten".

Amendment adopted.

Also:

Same section and page, lines 146 and 147, strike out the words "member of the house of representatives of the congress of the United States," and insert in lieu thereof the words "governor of the state".

Amendment adopted.

Also:

Same section and page, line 148, after the word "election," insert the words "at which a governor was voted for".

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 10—An Act to provide for the recall of elective officers of incorporated cities and towns.

During second reading of the bill, the following amendments were submitted by committee:

In Section 1, page 1, lines 12 and 13, strike out the words "member of the house of representatives of the congress of the United States" and insert in lieu thereof the words "the office which the incumbent sought to be removed occupies".

Amendment adopted.

Also:

Same section and page, line 13, strike out the word "general" and insert in lieu thereof the words "regular municipal".

Amendment adopted.

Also:

Same section and page, line 14, strike out the word "congressman" and insert in lieu thereof the word "officer".

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 11—An Act to provide for direct legislation by cities and towns, including initiative and referendum.

During second reading of the bill, the following amendments were submitted by committee:

In Section 1, page 1, line 6 of the printed bill, strike out the word "equal" and insert in lieu thereof the words "not less".

Amendment adopted.

Also:

Same line, strike out the word "to" and insert in lieu thereof the word "than".

Amendment adopted.

Also:

Section 1, page 2, line 40, strike out the word "equal" and insert in lieu thereof the words "not less".

Amendment adopted.

Also:

Same line strike out the word "to" and insert in lieu thereof the word "than".

Amendment adopted.

Also:

Same section and page, lines 42 and 43, strike out the words "member of the house of representatives of the congress of the United States" and insert in lieu thereof the words "governor of the state".

Amendment adopted.

Also:

Same section and page, line 44, strike out the word "congressman" and insert in lieu thereof the word "governor".

Amendment adopted.

Also:

In Section 1, page 3, line 53, strike out the word "equal" and insert in lieu thereof the words "not less".

Amendment adopted.

Also:

Same section and page, lines 53 and 54, strike out the words "to at least" and insert in lieu thereof the word "than".

Amendment adopted.

Also:

Same section and page, line 55, strike out the word "congress" and insert the word "governor".

Amendment adopted.

Also:

Same section and page, line 56, strike out the word "congress" and insert the word "governor".

Amendment adopted.

Also:

Section 1, page 5, line 137, strike out the word "twenty" and insert in lieu thereof the word "ten".

Amendment adopted.

Also:

Same section and page, lines 138 and 139, strike out the words "member of the house of representatives of the congress of the United States" and insert in lieu thereof "governor of the state."

Amendment adopted.

Also:

Same section and page, line 140, after the word "election" insert the words "at which a governor was voted for".

Amendment adopted.

Also:

Section 1, page 5, after line 153 (at the end of the section as it is now printed), insert the following: "In cities or towns having a mayor (or like officer), with the veto power, the passage of an ordinance petitioned for by the electors, followed by its veto by the mayor (or like officer) and the failure of the legislative body to pass the same over such veto, shall be deemed and treated as a refusal of the legislative body to pass the ordinance, within the meaning of this statute; and a vote of the legislative body in favor of the repeal of an ordinance previously passed (but protested against by the electors as herein provided for), followed by a veto of such repeal by the mayor (or like officer) and the failure of the legislative body to pass said repeal over said veto, shall be deemed and treated as a refusal to repeal the ordinance so protested against. In such city or town the date of approval of an ordinance by the mayor, or like officer (or of the expiration without his action thereon of the time within which he may veto the same, if such expiration of time for his action without his approval or veto has the effect of making the ordinance a law) shall be deemed the date of final passage of the ordinance by the legislative body, within the meaning of this statute. Any duty herein in terms, or by reasonable implication, imposed upon the legislative body in regard to calling an election, or in connection therewith, shall be likewise imposed upon any mayor, or any other officer having any duty to perform connected with the elections, so far as may be necessary to fully carry out the provisions of this statute".

Amendment adopted.

Bill read second time, ordered to print and third reading.

Senate Bill No. 49—An Act to amend section one hundred and twenty-five of the Political Code, relating to the division of the State into equalization districts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 54—An Act to amend section thirty-one of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for irrigation of the lands embraced within such district, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 55—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, by amending Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 20, 22, 24, 27 and 28 of said Act, and by repealing Sections 16, 21 and 31 of said Act, and by adding a new section to said Act, to be designated as Section 29, relating to the duties of the county clerk and registrar of voters; also by adding a new section to said Act to be designated as Section 30, relating to the continuance of proceedings heretofore commenced under said Act; also by adding a new section to said Act to be designated as Section 31, amending the title of said Act, to read as follows: "An Act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts."

During second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 1 of the printed bill, strike out all of lines 5 and 6, and line 7 to and including the first comma in said line 7, and insert in lieu thereof the following:

"Section 2. The people of any city and county, or of one or more municipal corporations in any county, with or without unincorporated territory in such county,".

Amendment adopted.

Also:

On page 2, Section 2, line 10 of the printed bill, strike out the period at the end of said line 10, and insert in lieu thereof a semicolon "(:)" and the following: "*provided*, that where one or more municipal corporations are included in such proposed water district, such petition must be signed by at least ten per centum of the qualified electors of each such municipal corporation so voting at such election."

Amendment adopted.

Also:

On page 20, Section 21, line 10 of the printed bill, strike out the word "adition", and insert in lieu thereof the word "addition".

Amendment adopted.

Also:

On page 22, Section 26, line 9 of the printed bill, strike out the period at the end of said line 9, and insert in lieu thereof the following: "by said districts."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Campbell, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 58—An Act to amend Section 1115 of the Political Code, relating to the printing of copies of the index to registrations.

Also: Assembly Bill No. 63—An Act to amend section twelve hundred and ten of the Political Code of the State of California, relating to sample election ballots.

Also: Assembly Bill No. 71—An Act to amend Section 4230 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies and assistants.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS G. WALKER, Assistant Clerk.

Assembly Bills Nos. 58, 63 and 71 read first time.

Assembly Bills Nos. 58 and 63 ordered referred to Committee on Elections and Election Laws.

Assembly Bill No. 71 ordered referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 22—An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 22 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on December 18, 1911, passed Senate Bill No. 34—An Act validating the formation and organization, and determining the boundaries of Imperial Irrigation District in the county of Imperial, State of California.

Also: Adopted Senate Joint Resolution No. 8—Relative to extending an invitation to the Congress of the United States, relative to the inspection of the rivers and harbors of California.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS G. WALKER, Assistant Clerk.

Senate Bill No. 34 ordered to enrollment.

Senate Joint Resolution No. 8 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed fifteen thousand dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911"—and respectfully request your honorable body to concur in same.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS G. WALKER, Assistant Clerk.

Concurrence to amendments to Senate Bill No. 11 pending.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:
By Committee on Contingent Expenses:

Resolved. That the Senate of the State of California purchase for the Senate Chamber the following herein described furniture for the amount set out herein below, from the Rucker-Fuller Desk Company: 2 Marble-Shattuck swing chairs, at \$18.00 per chair, \$36.00; 1 desk to be built on Secretary's platform for use of History Clerks, \$160.00; all to be of mahogany and to be in keeping with the woodwork and general design of the furniture in the Senate. Said furniture is to be purchased from the appropriation made in the session of 1909, Chapter 6 of Statutes of 1909, for the purchase of furniture, etc., for the Senate and Assembly chambers, upon the approval in writing of the President of the Senate and the Speaker of the Assembly. The President of the Senate and the Speaker of the Assembly are hereby requested to authorize and approve the purchase of the above described furniture at the prices set out herein.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hewitt, Hurd, Juilliard, Larkins, Martinelli, Regan, Sanford, Shanahan, Stetson, Thompson, Welch, Wolfe, and Wright—28.

NOES—None.

SENATOR ESTUDILLO IN THE CHAIR.

At four o'clock and fifty-five minutes P. M., Senator Estudillo, of the Thirty-ninth District, in the chair.

APPROVAL OF JOURNALS.

The Journals of Thursday, December 7, 1911; Friday, December 8, 1911; Saturday, December 9, 1911; Monday, December 11, 1911; Tuesday, December 12, 1911; Wednesday, December 13, 1911, and Thursday, December 14, 1911, having been corrected, were read and, on motion of Senator Hewitt, were approved.

QUESTION OF PERSONAL PRIVILEGE.

Senator Wolfe rose to a question of personal privilege, and spoke in regard to a speech made Tuesday, December 19, 1911, on the floor of the Senate by Senator Shanahan, relative to the members of the San Francisco Delegation.

UNFINISHED BUSINESS.

Senator Wright moved to take up the unfinished business on the file, being the consideration of the resolution relative to requesting the Governor of the State to submit to the Senate all data, including all correspondence and letters secured by him, relating to the alleged wrongful acts of the State Printer, together with the names of all persons, associations, firms or corporations implicated or connected with the same.

Motion carried.

WITHDRAWAL OF RESOLUTION.

Senator Wright asked for, and was granted, unanimous consent to withdraw the resolution relative to requesting the Governor of the State to submit to the Senate all data, including all correspondence and

letters secured by him, relating to the alleged wrongful acts of the State Printer, together with the names of all persons, associations, firms or corporations implicated or connected with the same.

Resolution withdrawn, and ordered stricken from the file.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read :

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 19, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Joint Resolution No. 12—Relative to arbitration peace treaties now pending before the Senate of the United States.

Also: Senate Joint Resolution No. 13—Memorializing the Congress of the United States for favorable consideration of the project contained in the report of the California Débris Commission, relating to "control of floods in the river systems of the Sacramento Valley and the adjacent San Joaquin Valley, California."

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Joint Resolutions Nos. 12 and 13 ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At six o'clock and twenty-five minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

ADJOURNMENT.

At six o'clock and thirty minutes P. M., on motion of Senator Burnett, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Wednesday, December 20, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Stobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, December 19, 1911, the further reading was dispensed with, on motion of Senator Rush.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 58—An Act to amend Section 1145 of the Political Code, relating to the printing of copies of the index to registrations.

Also: Assembly Bill No. 64—An Act to amend Section 1197 of the Political Code, relating to election ballots.

Also: Assembly Bill No. 65—An Act to amend Sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled an Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, approved March 24, 1909," approved April 7, 1911.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

ESTUDILLO, Chairman.

Assembly Bills Nos. 58, 64 and 65 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 7—An Act to add a new section to the Political Code of the State of California, to be numbered 1095a, relating to the form of affidavits of registration, and the manner of executing and returning the same, and providing penalties for the violation of said section—have had the same under consideration, and respectfully report the same back as amended and recommend that it do pass as amended.

ESTUDILLO, Chairman.

Assembly Bill No. 7 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IV of the Constitution, relating to the election of members of the general assembly, by providing for minority representation in the general assembly—have had the same under consideration, and respectfully report the same back and recommend that it do not pass.

ESTUDILLO, Chairman.

Senate Constitutional Amendment No. 4 ordered on file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 49—An Act to amend Section 125 of the Political Code, relating to the division of the State into equalization districts.

Also: Senate Bill No. 54—An Act to amend section thirty-one of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for irrigation of the lands embraced within such district, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 49 and 54 ordered on file for third reading.

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: Your Committee on Printing, to whom was referred Assembly Concurrent Resolution No. 11—Relative to the printing of the statutes of the Thirty-

ninth extra session for the purpose of distribution—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

HANS, Chairman.

Assembly Concurrent Resolution No. 11 ordered on file.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Roseberry, the following message from the Assembly, received Tuesday, December 19, 1911, was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed fifteen thousand dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911"—and respectfully request your honorable body to concur in same.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 11?"

On page 4 of the printed bill, after Section 7, add the following:

"SEC. 8. Nothing in this Act shall apply to employers of labor engaged in farming, dairying, agricultural or horticultural pursuits, in poultry raising or domestic service."

The roll was called, and the Senate refused to concur in the Assembly amendment to Senate Bill No. 11 by the following vote:

AYES—Senators Cartwright, Juilliard, Larkins, Martinelli, Rush, Sanford, Strobe, and Walker—8.

NOES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Burnett, Campbell, Cassidy, Cullen, Estudillo, Gates, Haus, Hewitt, Holoahan, Hurd, Lewis, Regan, Roseberry, Shanahan, Thompson, Tyrrell, Wolfe, and Wright—24.

SUSPENSION OF RULES.

Senator Birdsall moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion carried.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Joint Resolution No. 3—Relative to restricting Japanese and other Asiatic immigration.

On motion of Senator Sanford, Senate Joint Resolution No. 3 was temporarily passed on file, to retain its place.

WITHDRAWAL OF BILL.

Senator Estudillo asked for, and was granted, unanimous consent to withdraw Senate Bill No. 47—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construc-

tion thereby of works for the irrigation of the lands embraced within such districts; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Senate Bill No. 47 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 15—An Act to amend section ten hundred ninety-six of the Political Code of the State of California.

On motion of Senator Bell, Senate Bill No. 15 was temporarily passed on file, to retain its place.

WITHDRAWAL OF BILL.

Senator Hurd asked for, and was granted, unanimous consent to withdraw Senate Bill No. 39—An Act to amend an Act entitled "An Act to regulate and control the sale, rental and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for conveyance of such water to the place of use."

Senate Bill No. 39 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

SENATE CONSTITUTIONAL AMENDMENT No. 7.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of article four thereof, relating to senatorial and assembly districts, and repealing section twenty-seven of article four of said Constitution, relating to congressional districts and the formation thereof.

The Legislature of the State of California, at its extraordinary session of the thirty-ninth session, commencing on the twenty-seventh day of November, 1911, two thirds of all the members elected to each of the houses voting in favor thereof, hereby propose an amendment to the Constitution of the State of California, by amending section six of article four thereof, and repealing section twenty-seven of article four thereof.

SECTION 1. Section six of article four is hereby amended to read as follows:

Section 6. At the general election in each decennial year when the United States shall have made an enumeration or census of the population of the State of California, there shall be elected in each congressional district in said State by the qualified electors thereof, a member of a state board, which board shall be known as "The State Reapportionment Commission." Whenever the number of congressional districts shall be even the Governor shall on or before the thirtieth day of December in such year appoint an additional member of such board. When the compilation of the census above referred to shall be sufficiently completed to enable such board to obtain the data and information showing the population of said State as a whole, and by political subdivisions from which a reapportionment of senatorial and assembly districts as hereinafter provided can be made, the Governor of the State shall issue a call signed by the Governor, convening the said board to meet at the capital of the State at a time specified in such call, and not more than thirty days from the date of such call, for the purpose of performing the duties of said board as prescribed by this section. The board must meet at the state capitol at the time named in said call of the Governor and organize by electing a chairman and secretary from its members; and must within ninety days thereafter make a complete reapportionment of the State in senatorial and assembly districts to the number and in the manner hereinafter prescribed, and describe the exact boundaries of each of such districts in writing, and cause to be filed in the office of the Secretary of State within said ninety days four written or printed copies of such reapportionment signed by such board or a majority of the members thereof, and the Secretary of State shall retain one of such copies in his office open to public inspection, and shall immediately deliver one copy to the Governor, and upon the assembling of the next regular session of the Legislature, shall deliver one copy thereof to the presiding officer of each house of said Legislature. If such board shall fail or neglect to make and file such reapportionment as required by this section and within the time herein provided, the Attorney General of the State shall, within twenty days from

the expiration of such ninety days, apply to the Supreme Court of the State for a writ of mandamus to compel such board to perform and complete its duties under this section, and the Supreme Court must issue such writ or writs of mandamus to the said board and its members as shall be necessary to compel the complete performance of its duties under this section within a time to be named by said court, and the said court is authorized and empowered to make any and all orders, judgments and commitments as it may deem necessary to enforce its said writ or writs.

For the purpose of choosing members of the Legislature, the State shall be divided into forty senatorial and eighty assembly districts, as nearly equal in population as may be, and composed of contiguous territory, to be called senatorial and assembly districts. Each senatorial district shall choose one senator, and each assembly district shall choose one member of assembly. The senatorial districts shall be numbered from one to forty, inclusive, in numerical order, and the assembly districts shall be numbered from one to eighty in the same order, commencing at the northern boundary of the State and ending at the southern boundary thereof. In the formation of such districts, no county, or city and county, shall be divided, unless it contains within its boundaries sufficient population to form more than one district; *provided*, that the portion of any county or city and county inhabited by the excess population remaining after formation of compact districts of the requisite population within county lines, may be combined with a contiguous county or a part thereof to form a district. The census taken under the direction of the Congress of the United States above referred to shall be the basis of fixing and adjusting the legislative districts and the said board shall adjust such districts and reapportion the representation so as to preserve them as near equal in population as may be. But in making such adjustments no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, Senators and Assemblymen shall be elected by the districts according to the apportionment now provided for by law.

If the Congress of the United States shall have apportioned the members of Congress to the several states under the census above referred to, at the time of, or within sixty days after the organization of such board, such board shall also within the ninety days specified make a complete reapportionment of the State into as many congressional districts as the State shall be entitled to subject to the following rules and limitations.

When a congressional district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county, or city and county, shall be divided in forming a congressional district so as to attach one portion of a county, or city and county, to another county, or city and county, except in cases where one county, or city and county, has more population than the ratio required for one or more congressmen; but the board may divide any county, or city and county, into as many congressional districts as it may be entitled to by law. Any county, or city and county, containing a population greater than the number required for one congressional district, shall be formed into one or more congressional districts, according to the population thereof, and any residue, after forming such districts, shall be attached, by compact adjoining assembly districts, to a contiguous county or counties, and form a congressional district. In dividing a county, or city and county, into congressional districts, no assembly district shall be divided so as to form a part of more than one congressional district, and every such congressional district shall be composed of compact contiguous assembly districts, as nearly equal in population as may be according to said census.

The said board shall within said ninety days cause four written or printed copies of such congressional reapportionment signed by said board or a majority of its members to be filed in the office of the Secretary of State, and the Secretary of State shall retain one copy in his office and deliver the other copies as in case of copies of legislative reapportionment above provided for; and all the foregoing provisions as to the application for and issuing and enforcement of a writ or writs of mandamus shall apply to such congressional reapportionment.

If the Congress of the United States shall not have reapportioned the members of Congress to the several states under such census in time for such congressional reapportionment of this State to be made by said board as herein provided within the ninety days mentioned, the Governor shall, when Congress shall have determined the number of members of Congress allotted to this State under such census, again convene such board by his call as above specified, at a time to be named in such call, to meet at the capitol of the State, and such board must meet pursuant to such second call, and make complete and file such congressional reapportionment of this State under such census in the manner provided by this section, within thirty days from the time of having been so reconvened by the Governor; and all the foregoing provisions of this section, so far as applicable, shall apply to such congressional reapportionment. Each member of said board shall be entitled to the sum of one thousand dollars as compensation in full for the attendance upon and performance of all the duties prescribed by this section, whether performed at a first or a reconvened session, which shall be paid by the Treasurer of the State upon a warrant therefor approved by the State Comptroller, but the Comptroller shall not approve

such warrant until he shall receive a notification signed by the Governor and the Attorney General that such board has performed all the duties required of it by this session. No member of such board shall be eligible to be elected to the office of State Senator, member of the Assembly or member of the House of Representatives in Congress for the period of four years after his election as a member of said board, and it shall be unlawful for the name of any such member to be printed upon any primary or other election ballot in this State as a candidate for any such office within the period of such disability.

The State Printer shall print and deliver any printed matter requested by such board, upon the request of the chairman thereof; and for the purpose of employing necessary clerical help and securing maps and other data for the use of said board, the sum of twenty-five hundred dollars, or so much thereof as may be necessary in each year when said board is required to perform its duties under this section, is hereby appropriated out of any funds in the state treasury not otherwise appropriated at the time, to be paid by the State Treasurer upon the demand in writing of the chairman of said board, countersigned by the secretary, and approved by the State Comptroller.

SEC. 2. Section 27 of article four of this Constitution is hereby repealed.

Senate constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 7 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stenson, Strobbridge, Tyrrell, Walker, Welch, Wolfe, and Wright—39.

NOES—None.

Senate Constitutional Amendment No. 7 ordered engrossed, and transmitted to the Assembly.

RECESS.

At twelve o'clock and thirty minutes P. M., on motion of Senator Burnett, the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Senate Bill No. 33—An Act to amend Section 4 of an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act" (approved March 20, 1903).

Also: Senate Bill No. 3—An Act to amend Section 1280 of the Political Code of the State of California, relating to the official canvass of election returns.

And were presented to the Governor December 20, 1911, at ten o'clock A. M.

CASSIDY, Chairman.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Cassidy: Senate Joint Resolution No. 15—Relative to requesting the Panama-Pacific International Exposition Commission to devote one half of all moneys appropriated for the use, establishment, maintenance and support of the Panama-Pacific International Exposition as provided by Section 22, Article IV of the Constitution of the State of California, to the benefit of that portion of the site selected for the holding of said Panama-Pacific International Exposition, to wit: that portion of Golden Gate Park in the city and county of San Francisco westerly from Twentieth avenue, as extended.

Joint resolution referred to San Francisco Delegation.

THIRD READING OF SENATE BILLS—(RESUMED).

SENATE JOINT RESOLUTION NO. 14.

Relative to national forests situated within the State of California and requesting the war department of the United States to station and maintain Federal troops in such national forests during certain months.

WHEREAS, There are situated within the State of California great national forests comprising in area over twenty-seven million acres; and

WHEREAS, The protection and preservation of these forests is of great benefit to the citizens of this State and of the whole United States; and

WHEREAS, Each year during the months of July, August, and September, forest fires threaten partial or total destruction of these forests as well as other and adjoining property; and

WHEREAS, These forests are not sufficiently protected from fire during such months; now, therefore, be it

Resolved by the Senate of the State of California, and the Assembly, jointly. That the war department of the United States be, and it hereby is, requested to station Federal troops in the national forests within the State of California during the months of July, August, and September each year for the purpose of preventing and fighting forest fires and protecting such national forests; and be it further

Resolved, That our Senators and Representatives in Congress be respectfully urged to use all honorable means to accomplish the above for the good of the State; and be it further

Resolved, That a copy of this joint resolution be sent to the head of the War Department of the United States.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 14 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Bryant, Burnett, Campbell, Cassidy, Curtin, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Senate Joint Resolution No. 14 ordered engrossed and transmitted to the Assembly.

Senate Bill No. 49—An Act to amend section one hundred and twenty-five of the Political Code, relating to the division of the State into equalization districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 49 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cassidy, Curtin, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis,

Martinelli, Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 52—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State of California into congressional districts," approved March 11, 1891, and also to repeal an Act entitled "An Act to divide the State into congressional districts, and to provide for the election of members of the House of Representatives of the United States therein," approved March 23, 1901, and all other Acts in conflict with this Act.

On motion of Senator Thompson, Senate Bill No. 52 was temporarily passed on file, to retain its place.

Senate Bill No. 54—An Act to amend section thirty-one of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 54 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutten, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Stetson, Strobridge, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 8—An Act to amend Section 4021a of the Political Code providing for the recall of elective officers of counties and subdivisions thereof.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 8 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutten, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Stetson, Strobridge, Tyrrell, Walker, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 56—An Act to provide for the incorporation and organization and management of municipal water districts and to provide for the acquisition or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

On motion of Senator Hewitt, Assembly Bill No. 56 was temporarily passed on file, to retain its place.

Assembly Bill No. 61—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Assembly Bill No. 61 was temporarily passed on file, in the absence of Senator Estudillo, to retain its place.

Assembly Bill No. 53—An Act to amend Section 2694 of the Political Code, relating to public highways.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 53 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutten, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—32.

NOES—Senators Juilliard and Larkins—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 32—An Act to amend section eight of an Act entitled "An Act to provide for the formation and establishment of boulevard districts, the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their terms of office, and of elections to be held in such districts; and repealing an Act entitled 'An Act to provide for the formation of boulevard districts, and the construction, maintenance and use of boulevards, and define the term boulevard,' approved March 22d, 1905, and the Act amendatory thereof, approved April 15th, 1909," approved May 1st, 1911; said amendments relating to the election, appointment and qualifications of the members of said boulevard commission.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 32 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutten, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following: Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of article four thereof, relating to senatorial and assembly districts, and repealing section twenty-seven of article four of said Constitution relating to congressional districts and the formation thereof—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Constitutional Amendment No. 7 ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS.—(RESUMED).

Assembly Bill No. 17—An Act to amend an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 17 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Black, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutten, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Jailliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 9—An Act to amend Section 4058 of the Political Code, relating to direct legislation and including initiative and referendum, by electors of counties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 9 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Black, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 10—An Act to provide for the recall of elective officers of incorporated cities and towns.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 10 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Black, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 11—An Act to provide for direct legislation by cities and towns, including initiative and referendum.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 11 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Black, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Thompson, Tyrrell, Walker, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts, and defining and establishing such districts.

On motion of Senator Thompson, Assembly Bill No. 66 was temporarily passed on file, to retain its place.

Assembly Bill No. 61—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 61 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cassidy, Curtin, Cutten, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—30.

NOES—Senator Larkins—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 52—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts, and to repeal an Act entitled "An Act to

divide the State of California into congressional districts," approved March 11, 1891, and also to repeal an Act entitled "An Act to divide the State into congressional districts, and to provide for the election of members of the House of Representatives of the United States therein," approved March 23, 1901, and all other Acts in conflict with this Act.

Also: Senate Joint Resolution No. 14—Relative to national forests situated within the State of California and requesting the war department of the United States to station and maintain Federal troops in such national forests during certain months.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 52 ordered on file for third reading.

Senate Joint Resolution No. 14 ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Hewitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 31—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness and the distribution of their property," approved February 10th, 1903, and amended March 3d, 1909, by adding a new section thereto to be numbered Section 24.

Also: Senate Bill No. 38—An Act to authorize the Superintendent of Capitol Building and Grounds to employ extra help for the extra session of the thirty-ninth Legislature for the month of December, 1911, and appropriating money therefor.

L. B. MALLORY, Chief Clerk of the Assembly.

By A. H. HARLIN, Assistant Clerk.

Senate Bills Nos. 31 and 38 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 39—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by adding a new section thereto to be numbered 28½, and providing for the recall of elective officers of irrigation districts.

Also: Assembly Bill No. 67—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

L. B. MALLORY, Chief Clerk of the Assembly.

By A. H. HARLIN, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly this day passed as a case of urgency Assembly Bill No. 73—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, by amending Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 20, 22, 24, 27, and 28 of said Act and by repealing Sections 16, 21, and 31 of said Act and by adding a new section to said Act to be designated as Section 29 relating to the duties of the county clerk and registrar of voters, also by adding a new section to said Act to be designated as Section 30 relating to the continuance of proceedings heretofore commenced under said Act, also by adding a new section to said Act to be designated as Section 31, amending the title of said Act to read as follows: "An Act to provide for the incor-

poration and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts."

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

Assembly Bill No. 73 read first time and referred to Committee on Municipal Corporations.

MOTION.

Senator Hewitt announced that Assembly Bill No. 73 is identical with Senate Bill No. 55, and moved that Assembly Bill No. 73 and Senate Bill No. 55 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 73 and Senate Bill No. 55 ordered referred to Committee on Engrossment and Enrollment.

MESSAGE FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 9—Relative to the continuance by the United States of the government line of steamers from eastern seaports to Colon, in the canal zone, and the extension thereof to San Francisco and other seaports on the western coast of the United States on the completion of the Panama Canal.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

Senate Joint Resolution No. 9 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 12—An Act to provide for the keeping by employers of a record of injuries suffered by their employees; the reporting of such injuries to the Industrial Accident Board by employers and attending physicians; the keeping by employers and insurance companies of records of claims for injuries suffered by employees and of compromises and settlements made therefor and requiring the reporting thereof to said board; and fixing a penalty for refusal or neglect to keep such records or make such reports—and respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 12?"

On page 4 of the printed bill, after section seven, add the following:

"SEC. 8. Nothing in this Act shall apply to employers of labor engaged in farming, dairying, agricultural or horticultural pursuits, in poultry raising or domestic service."

The roll was called, and the Senate refused to concur in the Assembly amendment to Senate Bill No. 12, by the following vote:

AYES—Senators Birdsall, Black, Hurd, Juilliard, Larkins, Martinelli, and Strobbridge—7.

NOES—Senators Avey, Beban, Bell, Boynton, Bryant, Burnett, Cassidy, Curtin, Cutten, Estudillo, Finn, Hewitt, Holohan, Lewis, Regan, Roseberry, Shanahan, Thompson, Tyrrell, Wolfe, and Wright—21.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced by Senator Burnett:

Resolved, That the State Printer be and he is hereby ordered to print, for general distribution, eighteen thousand copies of the Public Utilities Act in addition to those required by law, together with an index and marginal index, to be prepared by the authors of said Act. That fifty copies of said Act be forwarded to each member of the Legislature by the Secretary of State.

Resolution read, and ordered referred to Committee on Printing.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Cutten:

Senate Concurrent Resolution No. 4—Relative to final adjournment of the thirty-ninth (extra) session of the Legislature of the State of California.

Concurrent resolution referred to Committee on Rules.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Roseberry:

Resolved, That the following named persons be, and they are hereby, allowed the sums set opposite their respective names for services rendered the Senate prior to its organization, and the Controller is hereby directed to draw his warrants for said respective said amounts and the Treasurer is directed to pay the same:

Walter N. Parrish, Secretary of Senate, six days at \$10.00-----	\$60 00
Jos. L. Coughlin, Sergeant-at-Arms, two days at \$8.00-----	16 00
I. Wells, Porter, two days at \$3.00-----	6 00
C. J. Sykes, Porter, two days at \$3.00-----	6 00
O. F. Palmer, Porter, two days at \$3.00-----	6 00
H. P. Travers, Assistant Secretary, two days at \$6.00-----	12 00
Frank Mattison, Assistant Secretary, one day at \$6.00-----	6 00
Wm. H. Wright, Assistant Secretary, one day at \$6.00-----	6 00
Wm. Durkin, Page, two days at \$2.50-----	5 00
T. Lafayette, Assistant Minute Clerk, one day at \$6.00-----	6 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cutten, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, Wolfe, and Wright—32.

NOES—None.

RECESS.

At three o'clock and forty minutes P. M., on motion of Senator Bell, the President declared the Senate at recess until three o'clock and fifty minutes P. M. of this day.

RECONVENED.

At three o'clock and fifty minutes P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment has examined the following: Senate Bill No. 46—An Act to provide for the incorporation and

organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts—and report that the same has been correctly reëngrossed.

CASSIDY, Chairman.

Senate Bill No. 46 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment, to whom was referred Assembly Bill No. 73—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, by amending Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 20, 22, 24, 27, and 28 of said Act and by repealing Sections 16, 21, and 31 of said Act, and by adding a new section to said Act to be designated as Section 29, relating to the duties of the county clerk and registrar of voters; also by adding a new section to said Act to be designated as Section 30, relating to continuance of proceedings heretofore commenced under said Act; also by adding a new section to said Act to be designated as Section 31, amending the title of said Act to read as follows: "An Act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts."

And: Senate Bill No. 55—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, by amending Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 20, 22, 24, 27, and 28 of said Act and by repealing Sections 16, 21, and 31 of said Act, and by adding a new section to said Act to be designated as Section 29, relating to the duties of the county clerk and registrar of voters; also by adding a new section to said Act to be designated as Section 30, relating to the continuance of proceedings heretofore commenced under said Act; also by adding a new section to said Act to be designated as Section 31, amending the title of said Act to read as follows: "An Act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts."

Have had the same under consideration, and respectfully report that Assembly Bill No. 73 is identical with Senate Bill No. 55, and recommend that Senate Bill No. 55 be withdrawn.

CASSIDY, Chairman.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Under the terms of Rule 31 of the Standing Rules of the Senate, Senate Bill No. 55 and Assembly Bill No. 73, having been reported identical by the Committee on Engrossment and Enrollment, Senate Bill No. 55—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, by amending Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 20, 22, 24, 27, and 28 of said Act, and by repealing Sections 16, 21, and 31 of said Act, and by adding a new section to said Act, to be designated as Section 29, relating to the duties of the county clerk and registrar of voters; also by adding a new section to said Act to be designated as Section 30, relating to the continuance of proceedings heretofore commenced under said Act; also by adding a new section to said Act, to be designated as Section 31, amending the title of said Act, to read as follows: "An Act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts"—considered withdrawn.

And: Assembly Bill No. 73—An Act to amend an Act entitled "An

Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, by amending Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 20, 22, 24, 27, and 28 of said Act, and by repealing Sections 16, 21, and 31 of said Act, and by adding a new section to said Act, to be designated as Section 29, relating to the duties of the county clerk and registrar of voters, also by adding a new section to said Act, to be designated as Section 30, relating to the continuance of proceedings heretofore commenced under said Act, also by adding a new section to said Act, to be designated as Section 31, amending the title of said Act to read as follows: "An Act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts"—ordered on second-reading file of Assembly bills.

REPORT OF STANDING COMMITTEE—(RESUMED).

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 70—An Act to amend Sections 1096 and 1097 of the Political Code, relating to elections and the registration of voters—have had the same under consideration, and respectfully report the same back, with amendment, and recommend that it do pass as amended.

ESTUDILLO, Chairman.

Assembly Bill No. 70 ordered on file for second reading:

Also:

SENATE CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 63—An Act to amend section twelve hundred and ten of the Political Code of the State of California, relating to sample election ballots—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

ESTUDILLO, Chairman.

Assembly Bill No. 63 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 30—An Act to provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for President of the United States, and to provide for the election of the delegates of said political parties to their respective national conventions, and to call an election in conformity with the provisions of this Act—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

ESTUDILLO, Chairman.

MINORITY REPORT—STANDING COMMITTEE ON ELECTIONS AND ELECTION LAWS.

Senator Wright submitted a minority report on Assembly Bill No. 30, as follows:

SENATE CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: We, the undersigned, constituting a minority of the Senate Committee on Elections and Election Laws, to which committee was referred Assembly Bill No. 30, being an Act to provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for

President of the United States, and to provide for the election of delegates in national conventions, beg leave to dissent from the majority of said committee and to respectfully submit to this Senate a minority report and thereby recommend the adoption of the following amendments to said Assembly bill, and when so amended that it do pass.

Respectfully submitted.

LEROY A. WRIGHT.
JOHN P. HARE.
L. W. JUILLIARD.

On page 1, line 4 of the title of the printed bill, after the words "for President" insert the following: "and Vice-President".

Also: On page 1, Section 1, line 11 of the printed bill, insert before the words "of the United States" the following: "and Vice-President".

Also: On page 3, line 52 of the printed bill, after the word "nominee" insert a new paragraph to read as follows: "The name of any candidate for nominee for Vice-President of the United States may be printed on the presidential primary ballot in the same manner, method and form as the name of any candidate for President, and electors may express their choice for Vice-President in like manner as for President."

Also: On page 3, Section 3 of the printed bill, strike out lines 12 and 13 and the words "at large" on line 14, and insert in lieu thereof the following: "Except as hereinafter provided there shall be elected by the qualified electors of each party by state-wide vote four delegates at large to each national party convention held for the purpose of nominating a candidate for President and Vice-President; and two delegates to each such convention shall be elected in like manner from each of the eleven congressional districts of the State. Should the official call of any party national committee provide for a greater number of delegates than those designated in this section, all delegates in excess of twenty-two shall be elected at large. Should the number be more than eleven and less than twenty-two, then one delegate shall be elected from each congressional district, and all delegates in excess of eleven shall be elected at large. Should the number of delegates so designated be less than the total number of congressional districts in the State, all of said delegates shall be elected at large."

Also: On page 4 of the printed bill, line 15, after the words "nomination paper", insert the following: "as candidates at large and as congressional district candidates."

Also: On page 4 of the printed bill, line 17, strike out the word "elected" and insert in lieu thereof the following: "voted for by said party in any congressional district."

Also: On page 4, line 18 of the printed bill, strike out all of the remainder of the paragraph after the words "and provided, further," being that portion of line 18 including the words "that when the" and all of lines 19 to 25 inclusive, and insert in lieu thereof the following: "that the names of candidates shall be so printed upon the same nomination paper as to plainly distinguish the candidates at large from the congressional district candidates."

Also: On page 6, line 32 of the printed bill, after the words "this Act" insert the following: "The words 'Delegates at Large' shall be printed in appropriate heavy faced type at the head of the group of candidates to be elected by a state-wide vote, and the words 'District Delegates' shall be similarly printed in appropriate heavy faced type at the head of the group of candidates to be elected by congressional district vote."

Also: On page 7 of the printed bill, line 15, after the words "entire State", insert the following: "(if a candidate at large) or throughout the _____ (insert number of district) Congressional District (if a candidate for district delegate)".

Also: On line 3 of the form of ballot, before the words "Third Assembly District" insert "_____ Congressional District".

Also: Insert after horizontal column providing for the vote for presidential nominee, a similar column, like in all respects as to ruling and printed matter, except that in each instance where the words "Presidential Nominee" occurs there shall be inserted before said words the word "Vice-President," and said horizontal column shall be preceded by the words "Vote for one as your choice for Vice-Presidential Nominee".

Also: In the line immediately under the horizontal column providing for choice for presidential nominee, strike out the figures "26," wherever they occur in the line beginning with the words "For delegates to National Convention", and insert in lieu of the first "26" the words "four delegates from the State at large and two congressional district delegates", and in lieu of the second "26", the word "six".

Also: Rearrange the form of ballot of each column of candidates for delegates, by placing the names of the first four candidates for delegate at large under the head "Delegates at Large". The words shall be printed in appropriate heavy face type and form a line or subhead immediately over the group of names of candidates of delegates at large, and extending from the heavy line rule at the left of the column to the right line ruled immediately at the right of the line named, the printed line to

be separated from all printed matter by a ruled line heavier than that separating the names of the candidates. Immediately underneath the list of names appearing in the group of candidates for delegates at large insert the subhead or head line "District Delegates", said subhead or head line being separated from all other printed matter by ruled lines the same as in the case provided for delegates at large. Arrange each column appearing on the ballot the same as heretofore provided for.

Senate Bill No. 30 ordered on file for second reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Sanford asked for, and was granted, unanimous consent to take up Assembly Bills Nos. 70, 63, 30, 58, 64, 68 and 7 now on the second-reading file of Assembly bills.

Assembly Bill No. 70—An Act to amend Sections 1096 and 1097 of the Political Code, relating to elections and the registrations of voters.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, line 6 of the amended bill, before the period, insert a comma followed by the words: "including Christian or given name, and middle name or initial, if any."

Amendment adopted.

Also:

On page 2, line 17 of the amended bill, before the comma, insert a comma followed by the words: "or the wife or husband of such proprietor".

Amendment adopted.

Also:

On page 2, line 16 of the amended bill, after the word "that", insert the word "he".

Amendment adopted.

Also:

Underneath statement number 1 of the affidavit of registration, in fine print enclosed in parentheses, insert the following words: "(Including Christian or given name, and middle name or initial, if any.)"

Amendment adopted.

Also:

In statement number 7 of the affidavit of registration, before the period, insert a comma, followed by the words: "or the wife or husband of such proprietor".

Amendment adopted.

Also:

In the second and third lines of statement 20 of the affidavit of registration, omit the last comma of the second line and everything following, and insert in lieu thereof the following: "next preceding the next ensuing election, and will be an elector of said county at the next succeeding election."

Amendment adopted.

Also:

In statement number 15 of the affidavit of registration omit the words "or precinct".

Amendment adopted.

Also:

On page 5, lines 16 to 19 of the printed bill, omit the sentence beginning with the word "Except".

Amendment adopted.

Also:

In the affidavit of registration, statement number 9, omit the words "That he intends" and insert in lieu thereof "I intend."

Amendment adopted.

Also:

In the affidavit of registration, statement number 13, omit the words "that such" and insert in lieu thereof the word "my".

Amendment adopted.

Also:

In the affidavit of registration, omit the word "By" before the blank in the last line of such affidavit.

Amendment adopted.

Also:

On page 3, line 48, strike out the words "upon the production", also all of lines 49 and 50, and all of line 51, excepting the last four words of said line 51.

Amendment adopted.

Also:

On the first line of statement number 1 of the affidavit of registration omit the words "says that he is", and insert in lieu thereof the words "says: I am".

Amendment adopted.

Also:

In the affidavit of registration, statements numbers 1, 3, 4, 5, and 8, omit the words "That his" and insert in lieu thereof the word "My".

Amendment adopted.

Also:

In the affidavit of registration, statements numbers 7, 15, 16, and 17, omit the words "That he is" and insert the words "I am".

Amendment adopted.

Also:

In the affidavit of registration, statements numbers 12, 18, and 19, omit the words "That he", and insert in lieu thereof the word "I", in each of the four places where the words "that he" are thus omitted.

Amendment adopted.

Also:

In the affidavit of registration, statement number 13, omit the words "That she became", and insert the words "I became".

Amendment adopted.

Also:

In the affidavit of registration, statement number 20, omit the words "That he has" and insert the words "I have".

Amendment adopted.

Also:

In the affidavit of registration, statements numbers 10, 11, and 14, omit the word "That" and begin, in each case, the word following with a capital letter.

Amendment adopted.

Also:

In the affidavit of registration, statements numbers 11, 12, 17, and 19, omit the word "his", wherever it occurs, and in statements numbers 13 and 14 omit the word

"her", wherever it occurs, and in lieu of each of the words so omitted insert the word "my".

Amendment adopted.

Also:

On page 7, affidavit of registration, of the printed bill, strike out the words in Subdivision 13 "That she does ----- produce the certificate of marriage."

Amendment adopted.

Also:

On page 7, in the affidavit of registration of the printed bill, strike out Subdivision 14 of the said affidavit of registration.

Amendment adopted.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At four o'clock and five minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SENATOR HANS IN THE CHAIR.

At four o'clock and ten minutes P. M., Senator Hans, of the Fourteenth District, in the chair.

SECOND READING OF ASSEMBLY BILL NO. 70—(RESUMED).

Assembly Bill No. 70—An Act to amend Sections 1096 and 1097 of the Political Code, relating to elections and the registrations of voters.

The following amendments were submitted by committee:

On page 7, in the affidavit of registration, of the printed bill, strike out Subdivision 18 of the said affidavit of registration; also arrange or renumber the subdivisions in the affidavit of registration to conform to the foregoing amendment.

Also: On page 1, Section 1, between lines 6 and 7, insert the following: "the age, omitting fraction of years" and renumber the subdivisions on page 1, Section 1, beginning with line 6 of the printed bill, to conform to this amendment.

Also: Insert in statement number 2 of the affidavit of registration after figure "2" the word "age -----" and under such word and the dotted lines following, in parentheses, insert the words "omitting fraction of years".

Amendments read.

ROLL CALL DEMANDED.

The question being on the adoption of the amendments, the roll call was demanded by Senators Wright, Juilliard, and Roseberry.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Black, Campbell, Cassidy, Hare, Holohan, Juilliard, Larkins, Regan, Roseberry, Rush, Sanford, Stetson, Strobridge, Tyrrell, and Walker—15.

NOES—Senators Avey, Behan, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Curtin, Estudillo, Finn, Gates, Hans, Hewitt, Hurd, Lewis, Martinelli, Shanahan, Thompson, Welch, Wolfe, and Wright—23.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 30—An Act to provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for President of the United States, and to provide for the election of the delegates of said political parties to their respective national conventions, and to call an election in conformity with the provisions of this Act.

During second reading of the bill, the following amendments were submitted by committee:

On page 4, line 20 of the printed bill, after the word "exceeds", insert the following: "the number of congressional districts in the State, but is less than twice the number of such districts, the names of such candidates thus grouped together shall be so selected that not more than three and not less than one of such candidates shall reside in any one congressional district, and that when the number of names of candidates printed upon the same nomination paper exceeds,".

Also: After Section 9 of the printed bill, insert a new section to read as follows:

Sec. 10. Accompanying the sample ballot for the May presidential primary election mailed to the voters of each political party, there shall be included for such party a sheet with the following title in twenty-four point capital type: Biographical Sketches of Presidential Candidates. Under this heading there shall appear in twelve-point capital type the name of each candidate of such party for nomination for President for whom a biographical sketch is furnished, and below such name shall be printed in ten-point type the biography of such candidate in no more than three hundred words. The biographical sketch of each candidate for presidential nomination shall be furnished by such candidate or by such state political organization created in support of his candidacy as shall not be repudiated by him as lacking authority to furnish such biographical sketch. Such biographical sketch shall be sent to the Secretary of State, together with the sum of two hundred dollars, to defray the cost of its publication, at least forty days prior to the date of the May presidential primary election, and it shall be printed at the State Printing Office and sent to the county clerks or registrars of voters to be mailed with the sample ballots as aforesaid. The biographical sketches of all the candidates for presidential nomination of any party who appear upon the ballot of such party, and none other, shall be printed upon the same sheet, and shall appear in the same order as they appear upon the ballot. The sheet mailed to the voters by the county clerks or registrars of voters shall be the one which contains the biographies of such candidates for presidential nomination as appear upon the ballots mailed to the voters in the same envelope, and no other sheet shall be mailed. In the case of any political party for none of whose candidates any biographical sketch has been furnished, no sheet as hereinbefore provided shall be prepared or mailed.

Also: Change the numbers of present sections 10, 11, 12, 13 and 14, to 11, 12, 13, 14 and 15, respectively.

Also: On page 6 of the printed bill, after the period in line 29, insert the following: In case that there are no names of candidates for delegate to be placed in a "No Preference Column", such "No Preference Column" shall be omitted from the ballot, and the "Blank Column" as herein provided for shall be placed to the right of and contiguous to the last column headed by the surname of a candidate for presidential nominee.

Amendments pending.

SPECIAL ORDER SET.

Senator Wright moved that the further consideration of Assembly Bill No. 30—An Act to provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for President of the United States, and to provide for the election of the delegates of said political parties to their respective national conventions, and to call an election in conformity with the provisions of this Act—with the amendments submitted by the committee, be made a special order for Wednesday, December 20, 1911, at eight o'clock and fifteen minutes P. M.

Motion carried.

RECESS.

At five o'clock and fifteen minutes P. M., on motion of Senator Bell, the acting President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

MOTION.

Senator Boynton moved that Assembly Bills Nos. 58, 64, 7, and 65 be taken up for second reading, out of order.

Motion duly seconded.

Motion carried.

SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER).

Assembly Bill No. 58—An Act to amend Section 1115 of the Political Code, relating to the printing of copies of the index to registrations.

Bill read second time, and on file for third reading.

Assembly Bill No. 64—An Act to amend Section 1197 of the Political Code, relating to election ballots.

Bill read second time, and on file for third reading.

Assembly Bill No. 7—An Act to add a new section to the Political Code of the State of California, to be numbered 1095a, relating to form of affidavits of registration, and the manner of executing and returning the same, and providing penalties for the violation of said section.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 1, line 11 of the amended bill, strike out the words and figures "go to 50 and so on", and insert in lieu thereof the following: "continue in a sequence".

Amendment adopted.

Also:

On page 2, Section 1, line 29, strike out the words "within five days," and insert in lieu thereof the following: "immediately".

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 65—An Act to amend Sections 1, 3, 5, 7, 10, 12, 13, 22, 23, 24 of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled 'An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator,'" approved March 24, 1909 (said Act being otherwise designated as the direct primary law), approved April 7, 1911.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Caminetti asked for, and was granted, unanimous consent to take up Senate Bill No. 46 for consideration out of order.

Senate Bill No. 46—An Act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights, or construction thereby of water-works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

Read third time, on a previous day:

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 46 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Bryant, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Gates, Hare, Hewitt, Holohan, Juilliard, Larkins, Martinelli, Rush, Sanford, Walker, Welch, and Wright—22.

NOES—Senators Burnett, Finn, and Wolfe—3.

AMENDMENT TO TITLE.

Senator Caminetti moved to amend the title of Senate Bill No. 46, by striking out all thereof after the words "An Act", and inserting in lieu thereof the following: "to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts."

Amendment adopted.

Title approved as amended.

Bill ordered to print, reëngrossment, and transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 30, the same was taken up for consideration.

Assembly Bill No. 30—An Act to provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for President of the United States, and to provide for the election of the delegates of said political parties to their respective national conventions, and to call an election in conformity with the provisions of this Act—and the amendments pending.

MOTION.

Senator Wright moved that the minority report of the Committee on Elections and Election Laws be substituted for the majority report.

Motion duly seconded.

WITHDRAWAL OF PROPOSED AMENDMENT.

Senator Wright asked for, and was granted, unanimous consent to withdraw the following amendment included in the minority report:

On page 7 of the printed bill, line 15, after the words "entire State," insert the following: "(if a candidate at large) or throughout the ----- (insert No. of district) Congressional District (if a candidate for district delegate)."

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At nine o'clock and forty minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SENATOR CARTWRIGHT IN THE CHAIR.

At nine o'clock and forty-five minutes P. M., Senator Cartwright, of the Twenty-sixth District, in the chair.

SPECIAL ORDER—(RESUMED)—ASSEMBLY BILL NO. 30.

The question being on the substitution of the minority report of the Committee on Elections and Election Laws for the majority report.

ROLL CALL DEMANDED.

The roll call was demanded by Senators Wright, Wolfe, and Boynton.

The roll was called, and the minority report of the Committee on Elections and Election Laws refused adoption by the following vote:

AYES—Senators Cassidy, Curtin, Hare, Juilliard, Martinelli, Sanford, Wolfe, and Wright—8.

NOES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Gates, Hewitt, Holahan, Hurd, Regan, Roseberry, Rush, Steison, Strobridge, Thompson, Walker, and Welch—25.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At eleven o'clock and forty-five minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SPECIAL ORDER—ASSEMBLY BILL NO. 30—(RESUMED).

The question being on the adoption of the amendments submitted by the Committee on Elections and Election Laws, numbers one and four.

Amendments adopted.

The question being on the adoption of the amendments submitted by the Committee on Elections and Election Laws, numbers two and three.

Amendments adopted.

During second reading of the bill, the following amendment was offered by Senator Stetson:

At the end of the matter contained in amendment No. 4 insert the following: "In the event that two or more candidates for presidential nominee whose names are printed upon the same ballot have the same surname, the distinguishing names or initials of such candidates shall be affixed to their respective surnames on said ballot following the words 'Candidates Preferring'."

Amendment adopted.

Bill read second time, ordered to print and third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Senate Bill No. 22—An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee.

Also: Senate Bill No. 34—An Act validating the formation and organization, and determining the boundaries of Imperial Irrigation District in the county of Imperial, State of California.

And were presented to the Governor December 20, 1911, at five o'clock P. M.

CASSIDY, Chairman.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Welch asked for, and was granted, unanimous consent to take up Assembly Bill No. 63 for consideration out of order, for the purpose of amendment.

Assembly Bill No. 63—An Act to amend Section 1210 of the Political Code of the State of California, relating to sample election ballots.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 11, strike out the words "and shall commence to be sent by mail" and insert in lieu thereof the following: "Said clerk or secretary shall commence to mail the same".

Amendment adopted.

Also:

On page 1, Section 1, line 12, strike out the words "by such clerk or secretary".

Amendment adopted.

Also:

On page 1, Section 1, line 14, strike out the word "been" and insert in lieu thereof the following: "of the same".

Amendment adopted.

Also:

On page 2, Section 1, lines 24, 25, 26, 27, and 28, strike out the lines beginning with the word "He", line 24, and ending with the word "mailed", line 28, inclusive.

Amendment adopted.

Also:

On page 2, Section 1, line 29, strike out the word "also".

Amendment adopted.

Bill read second time, ordered to print and third reading.

ADJOURNMENT.

At eleven o'clock and fifty minutes P. M., on motion of Senator Bell, the President pro tem. declared the Senate adjourned until Thursday, December 21, 1911, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER.

Thursday, December 21, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, December 20, 1911, the further reading was dispensed with, on motion of Senator Rush.

EXPLANATION OF VOTE.

Senator Shanahan asked for, and was granted, unanimous consent to explain his absence when the roll was called on the final passage of Assembly Bill No. 30, and have the explanation printed in the Journal.

MR. PRESIDENT: I was unavoidably absent from the Senate last evening when amendments to Assembly Bill No. 30 were voted upon. Had I been present I would have voted for a state-wide vote for delegates and on presidential preference. I ask leave to have this statement printed in the Journal.

T. W. H. SHANAHAN.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency Senate Bill No. 53—An Act to make appropriation for the contingent expenses of the Senate for the extra session of the thirty-ninth Legislature of the State of California during the sixty-third fiscal year.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 53 ordered to enrollment.

RESOLUTION.

The following resolution was introduced:

By Senator Hans:

WHEREAS, The Legislature of the State of California, at its last regular session, did by enactment adopt and designate the bear flag of California, to be the official State flag of the State of California; and

WHEREAS, It is meet and proper that the official flag of the State of California should have a part in the public affairs of this State, and that it should be displayed upon all State occasions; and

WHEREAS, It is the sense of this Senate that the official State flag should be displayed from the flag staff of the Capitol Building and also upon every state institution in the State of California; now, therefore, be it

Resolved, That the State Board of Control and the Superintendent of the Capitol Building and Grounds be and they are hereby requested to procure a sufficient number of the state official flag so as to provide each of the state institutions under their supervision with one of the flags, and that they establish a rule that the official state flag be floated from the flag staff of the Capitol Building at Sacramento, and also from each of the state institutions throughout the State of California, the same to be floated in conjunction with the American flag.

Resolution read, and adopted.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Joint Resolution No. 3—Relative to restricting Japanese and other Asiatic immigration.

On motion of Senator Sanford, Senate Joint Resolution No. 3 was temporarily passed on file, to retain its place.

Senate Bill No. 15—An Act to amend section ten hundred ninety-six of the Political Code of the State of California.

On motion of Senator Bell, Senate Bill No. 15 was temporarily passed on file, to retain its place.

Senate Bill No. 52—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State of California into congressional districts," approved March 11, 1891, and also to repeal an Act entitled "An Act to divide the State into congressional districts, and to provide for the election of members of the House of Representatives of the United States therein," approved March 23, 1901, and all other Acts in conflict with this Act.

On motion of Senator Thompson, Senate Bill No. 52 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IV of the Constitution, relating to the election of members of the general assembly, by providing for minority representation in the general assembly.

On motion of Senator Hare, Senate Constitutional Amendment No. 4 was temporarily passed on file, to retain its place.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 56—An Act to provide for the incorporation and organization and management of municipal water districts and to provide for the acquisition or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

On motion of Senator Hewitt, Assembly Bill No. 56 was passed on file, and placed under the head of unfinished business.

Assembly Bill No. 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts, and defining and establishing such districts.

On motion of Senator Thompson, Assembly Bill No. 66 was temporarily passed on file, to retain its place.

ASSEMBLY CONCURRENT RESOLUTION No. 11.

Relative to the printing of statutes of the thirty-ninth extra session for the purpose of distribution.

WHEREAS, The laws passed and to be passed at this thirty-ninth extra session of the Legislature are of great importance; and

WHEREAS, The said laws would not appear in statute form until after the fortieth session of the Legislature; therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring. That the State Printer be instructed to have printed twenty-five hundred (2500) copies of said chaptered laws, suitably bound in leather, as soon after the close of this session as practical; and that the statutes be distributed by the Secretary of State according to Section 528 of the Political Code.

Concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 11 adopted by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutten, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Wolfe, and Wright—35.

NOES—None.

Assembly Concurrent Resolution No. 11 ordered transmitted to the Assembly.

SUSPENSION OF RULES.

Senator Wright moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion carried.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:
By Committee on Contingent Expenses:

WHEREAS, It is necessary to have better ventilation in the various committee rooms of the Senate on the fourth floor of the Capitol Building at Sacramento, California; and

WHEREAS, The Honorable Nathaniel Ellery, State Engineer, has stated that a system of ventilation or grills can be placed in said committee rooms for the purpose of ventilating said rooms and purchased and installed for a sum not to exceed one hundred thirty (\$130.00) dollars; now, therefore, be it

Resolved, That the State Controller be, and he is hereby, instructed to draw his warrant, upon the Contingent Fund of the Senate, in favor of the State Engineer for the sum of one hundred and thirty dollars, or such portion thereof as may be required, to pay for the purchase and installation of said grills upon the certificate of the State Engineer, approved by the State Board of Control, and the Treasurer is directed to pay the same.

BURNETT, Chairman.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cullen, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Tyrrell, Wolfe, and Wright—30.

NOES—Senator Stetson—1.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 58—An Act to amend Section 1115 of the Political Code, relating to the printing of copies of the index to registrations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 58 finally passed by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cullen, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Walker, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 64—An Act to amend Section 1197 of the Political Code, relating to election ballots.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 64 finally passed by the following vote:

AYES—Senator Avey, Reban, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cullen, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Walker, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 65—An Act to amend Sections 1, 3, 5, 7, 10, 12, 13, 22, 23, 24 of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled 'An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator,' approved March 24, 1909" (said Act being otherwise designated as the direct primary law) approved April 7, 1911.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 65 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cutten, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Stetson, Strobridge, Walker, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 7—An Act to add a new section to the Political Code of the State of California, to be numbered 1095a, relating to form of affidavits of registration, and the manner of executing and returning the same, and providing penalties for the violation of said section.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 7 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Campbell, Cassidy, Cutten, Estudillo, Finn, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Walker, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 63—An Act to amend Section 1210 of the Political Code of the State of California, relating to sample election ballots.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 63 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cutten, Estudillo, Finn, Hans, Hewitt, Holohan, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Walker, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Hewitt:

Resolved, That Assembly Bill No. 73 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that sec-

tion requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shaahan, Stetson, Strobridge, Tyrrell, Walker, Wolfe, and Wright—35.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 73—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, by amending Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 20, 22, 24, 27, and 28 of said Act, and by repealing Sections 16, 21, and 31 of said Act, and by adding a new section to said Act to be designated as Section 29, relating to the duties of the county clerk and registrar of voters, also by adding a new section to said Act to be designated as Section 30, relating to the continuance of proceedings heretofore commenced under said Act, also by adding a new section to said Act to be designated as Section 31, amending the title of said Act to read as follows: "An Act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts."

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 73 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutten, Finn, Gates, Hans, Hare, Hewitt, Hurd, Juilliard, Martinelli, Roseberry, Rush, Sanford, Shaahan, Stetson, Strobridge, Tyrrell, Walker, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON RULES.

SENATE CHAMBER, SACRAMENTO, December 21, 1911.

MR. PRESIDENT: Your Committee on Rules, to whom was referred Senate Concurrent Resolution No. 4—Relative to final adjournment of the thirty-ninth (extra) session of the Legislature of the State of California—have had the same under consideration, and respectfully report the same back and recommend that the same be adopted as amended.

BOYNTON, Chairman.

Senate Concurrent Resolution No. 4 on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Boynton asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 4 for consideration, out of order, for the purpose of amendment.

Senate Concurrent Resolution No. 4—Relative to final adjournment of the thirty-ninth (extra) session of the Legislature of the State of California.

The following amendment was submitted by committee:

Amend by striking out the words "midnight, Friday, December 22, 1911", and insert in lieu thereof "noon, Saturday, December 23, 1911."

Amendment adopted.

MOTION.

Senator Cutten moved that the Senate take up Senate Concurrent Resolution No. 4 for consideration and final passage.

Motion duly seconded.

SUBSTITUTE MOTION.

Senator Thompson moved, as a substitute motion, that the further consideration of Senate Concurrent Resolution No. 4—Relative to final adjournment of the thirty-ninth (extra) session of the Legislature of the State of California—be made a special order for Friday, December 22, 1911, immediately after the reading of the Journal.

Motion duly seconded.

Motion carried.

APPROVAL OF JOURNALS.

The Journals of Friday, December 15, 1911; Saturday, December 16, 1911, and Monday, December 18, 1911, having been corrected, were read and, on motion of Senator Hurd, were approved.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, December 21, 1911.

MR. PRESIDENT: Your Committee on Printing, to whom was referred resolution to print 18,000 copies of Public Utilities Act, as follows:

Resolved, That the State Printer be and he is hereby ordered to print, for general distribution, eighteen thousand copies of the Public Utilities Act in addition to those required by law, together with an index and marginal index, to be prepared by the authors of said Act. That fifty copies of said Act be forwarded to each member of the Legislature by the Secretary of State.

Have had the same under consideration, and respectfully report the same back and recommend that same be adopted.

HANS, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Gates, Haus, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Shanahan, Stetson, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 21, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Senate Joint Resolution No. 9—Relative to the continuance by the United States of the government line of steamers from eastern seaports to Colon, in the canal zone, and the extension thereof to Pacific seaports, on the western coast of the United States, on the completion of the Panama Canal.

Also: Senate Bill No. 31—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness and the distribution of their property," approved February 10th, 1903, and amended March 3d, 1909, by adding a new section thereto, to be numbered Section 24.

Also: Senate Bill No. 38—An Act to authorize the Superintendent of Capitol Buildings and Grounds to employ extra help for the extra session of the thirty-ninth Legislature, for the month of December, 1911, and appropriating money therefor.

Also: Senate Joint Resolution No. 8—Relative to extending an invitation to the Congress of the United States, relative to the inspection of the rivers and harbors of California.

And were presented to the Governor Thursday, December 21, 1911, at eleven o'clock and forty-five minutes A. M.

CASSIDY, Chairman.

RECESS.

At twelve o'clock and thirty minutes P. M., on motion of Senator Bell, the President declared the Senate at recess until three o'clock P. M. of this day.

RECONVENED.

At three o'clock P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, December 21, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 71—An Act to amend Section 4230 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies and assistants—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

HEWITT, Chairman.

Assembly Bill No. 71 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hewitt asked for, and was granted, unanimous consent to take up Assembly Bill No. 71 for consideration out of order, for the purpose of amendment.

Assembly Bill No. 71—An Act to amend Section 4230 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies and assistants.

During second reading of the bill, the following amendments were submitted by committee:

On page 3, Section 1 of the printed bill, strike out all of line 13 following the semicolon after the word "month"; also all of line 14 and all of line 15 to and including the semicolon after the word "month".

Amendment adopted.

Also:

On page 3, Section 1, line 18 of the printed bill, strike out the word "twenty-eight" and insert in lieu thereof the following: "twenty-nine".

Amendment adopted.

Also:

On page 3, Section 1, line 24 of the printed bill, strike out the word "twenty-five" and insert in lieu thereof the following: "fifteen".

Amendment adopted.

Bill read second time, ordered to print, and third reading.

SPECIAL ORDER SET.

Senator Estudillo moved that the further consideration of Assembly Bill No. 30—An Act to provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for President of the United States, and to provide for the election of the delegates of said political parties to their respective national conventions, and to call an election in conformity with the provisions of this Act—be made a special order for Friday, December 22, 1911, immediately after the special order heretofore set.

Motion carried.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Wolfe, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 8—An Act to amend Section 4021a of the Political Code, providing for the recall of elective officers of counties and subdivisions thereof.

Also: Assembly Bill No. 9—An Act to amend Section 4058 of the Political Code, relating to direct legislation and including initiative and referendum, by electors of counties.

Also: Assembly Bill No. 10—An Act to provide for the recall of elective officers of incorporated cities and towns.

Also: Assembly Bill No. 11—An Act to provide for direct legislation by cities and towns, including initiative and referendum.

Also: Assembly Bill No. 32—An Act to amend section eight of an Act entitled "An Act to provide for the formation and establishment of boulevard districts, the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevards; providing for a boulevard commission to have charge of the affairs of boulevard districts and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their terms of office, and of elections to be held in such districts; and repealing an Act entitled 'An Act to provide for the formation of boulevard districts, and the construction, maintenance and use of boulevards, and defining the term boulevard, approved March 22d, 1905, and the Act amendatory thereof,' approved April 15th, 1909." approved May 1st, 1911; said amendments relating to elections.

Also: Assembly Bill No. 53—An Act to amend Section 2694 of the Political Code, relating to public highways.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Roseberry, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to recede from its amendments to Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed twelve thousand five hundred dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards," approved April 8, 1911.

And: Senate Bill No. 12—An Act to provide for the keeping by employers of a record of injuries suffered by their employees; the reporting of such injuries to the Industrial Accident Board by employers and attending physicians; the keeping by employers and insurance companies of records of claims for injuries suffered by employees and of compromises and settlements made therefor and requiring the reporting thereof to said board; and fixing a penalty for refusal or neglect to keep such records or make such reports.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Further consideration of the Assembly's refusal to recede from its amendments to Senate Bills Nos. 11 and 12 pending.

RECESS.

At three o'clock and thirty minutes P. M., on motion of Senator Birdsall, the President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bill:

Senate Bill No. 46—An Act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

And report that the same has been correctly re-engrossed.

CASSIDY, Chairman.

Senate Bill No. 46 ordered on file for third reading.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were introduced:

By Committee on Contingent Expenses:

Resolved, That there is hereby appropriated out of the Contingent Fund of the Senate one hundred fifty (\$150.00) dollars or so much thereof as may be needed for the purpose of purchasing boxes, packing, marking, and expressing all papers and

documents belonging to Senators to their places of residence at the close of the session. The Sergeant-at-Arms of the Senate shall cause this work to be done, and he shall file with the Controller of the State vouchers covering the different items of expense, whereupon the Controller shall draw his warrant in favor of the Sergeant-at-Arms for the amount necessarily expended, and the Treasurer is directed to pay the same.

BURNETT, Chairman.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Beban, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cassidy, Cutten, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Walker, and Wolfe—28.

NOES—None.

Also:

Resolved, That the State Controller be, and he is hereby, directed to draw his separate warrants in favor of the Secretary of the Senate for the various amounts set out herein below, amounting in all to \$284.63, that is to say:

Wahl Stationery Co., Sacramento-----	\$257 63
Henry E. Sleeper & Co., Sacramento, rubber stamps-----	2 10
Siller Bros., block and gavel-----	5 00
Postal Telegraph Cable Co.-----	19 90

And the Treasurer is directed to pay the same.

BURNETT, Chairman.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Beban, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Tyrrell, Walker, and Wolfe—30.

NOES—None.

Also:

Resolved, That the State Controller be, and he is hereby, directed to draw his separate warrants in favor of the Sergeant-at-Arms of the Senate for the various amounts set out herein below, amounting to the sum of \$75.75, and being as follows:

W. S. Lindberg-----	\$5 00
Kane & Trainor Ice Co.-----	42 00
C. J. Sykes, expressage-----	5 00
Sergeant-at-Arms, expenses of trip to San Francisco and return, regular session 1911-----	15 00
Cartage on cases, Sutter, Hevener Co.-----	8 75

And the Treasurer is directed to pay the same.

BURNETT, Chairman.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Beban, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Tyrrell, Walker, and Wolfe—31.

NOES—None.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Boynton, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 5—An Act to amend section four thousand and thirteen of the Political Code of California, relating to the officers of a county.

Also: Senate Bill No. 6—An Act to amend Section 4232 of the Political Code of California, relating to the salaries and fees of officers in counties of the third class.

Also: Senate Bill No. 43—An Act to amend Section 4020 of the Political Code of California, relating to consolidation of county offices.

Also: Senate Bill No. 7—An Act making an appropriation for the purpose of carrying out the provisions of the Public Utilities Act.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 5, 6, 43 and 7 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 4—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149e and 4149f, providing for the appointment of a registrar of voters, prescribing his duties and fixing his term of office and the compensation to be paid such registrar in the various classes of counties.

Also: Senate Bill No. 32—An Act to amend Section 1094 of the Political Code of the State of California, relating to the registration of voters.

Also: Senate Bill No. 42—An Act to amend Section 4017 of the Political Code, with reference to the consolidation of county offices.

And respectfully request your honorable body to concur in said amendments.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 4?"

On page 1, line 6 of the title, strike out the period after the word "office" and insert the following: "and the compensation to be paid such registrar in the various classes of counties."

Also: On page 1, Section 1, line 4, after the word "county" insert the following: "at its first meeting in April, 1912."

Also: On page 2, Section 1, line 17, after the word "officers" strike out the semicolon and all the rest of line 17 and lines 18, 19, 20, 21, 22, 23, 24, and 25, and insert in lieu thereof a period and add the following: "The salary of the registrar in counties of the first class shall be twenty-four (\$24.00) dollars per annum.

In counties of the second class the registrar shall be allowed such salaries and deputies as are now or may hereafter be provided by law.

In counties of the third class the registrar shall be allowed such salaries and deputies as are now or may hereafter be provided by law.

The salary of the registrar in counties of the fourth class shall be twenty-four (\$24.00) dollars per annum.

The salary of the registrar in counties of the fifth class shall be twenty-four (\$24.00) dollars per annum.

The salary of the registrar in counties of the sixth class shall be twenty-four (\$24.00) dollars per annum.

The salary of the registrar in counties of the seventh class shall be twenty-four (\$24.00) dollars per annum.

The salary of the registrar in counties of the eighth class shall be twenty-four (\$24.00) dollars per annum.

The salary of the registrar in counties of the ninth class shall be twenty-four (\$24.00) dollars per annum.

The salary of the registrar in counties of the tenth class shall be twenty-four (\$24.00) dollars per annum.

The salary of the registrar in counties of the eleventh class shall be twenty-four (\$24.00) dollars per annum.

The salary of the registrar in counties of the twelfth class shall be twenty-four (\$24.00) dollars per annum. In addition to such salary in counties of this class the registrar shall receive from the county the sum of twelve and one half cents for each name registered.

The salary of the registrar in counties of the thirteenth class shall be twenty-four (\$24.00) dollars per annum.

The salary of the registrar in counties of the fourteenth class shall be twenty-four (\$24.00) dollars per annum.

The salary of the registrar in counties of the fifteenth class shall be twenty-four (\$24.00) dollars per annum.

The salary of the registrar in counties of the sixteenth class shall be twenty-four (\$24.00) dollars per annum.

The salary of the registrar in counties of the seventeenth class shall be twenty-four (\$24.00) dollars per annum.

The salary of the registrar in counties of the fifty-fifth class shall be twenty-four (\$24.00) dollars per annum.

The salary of the registrar in counties of the fifty-sixth class shall be twenty-four (\$24.00) dollars per annum.

The salary of the registrar in counties of the fifty-seventh class shall be twenty-four (\$24.00) dollars per annum.

The salary of the registrar in counties of the fifty-eighth class shall be twenty-four (\$24.00) dollars per annum.

In any case where the county clerk is now allowed fees, or compensation, or assistance for the registration of voters such fees, compensation and assistance shall continue to be received by the registrar of voters, and the rights of the county clerk to receive the same shall thereupon cease, except where otherwise provided by law.

Also: On page 1, Section 1, lines 4 and 5, strike out the words "at its first meeting in April, 1912."

Also: On page 5, Section 1, after the line 143, add the following: "The compensation of all deputies herein provided for shall be paid by the said county in equal monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the registrar is paid; *and provided further*, that where the registrar is allowed fees the same shall be allowed on claims duly verified, presented and allowed by the board of supervisors."

Also: In line 91, Section 1, page 4, strike out the following: "twenty-four (\$24.00)" and insert in lieu thereof the following: "twelve hundred (\$1,200.00)".

Also: On page 2, Section 1, line 38, after the word "annum", strike out the period and insert a comma and add the following: "and in addition to such salary and in addition to the deputies now provided by law and allowed to the official charged with registration, said registrar may appoint additional deputies, not to exceed two in number, for the purpose of registering electors and attending to election matters, to be paid not to exceed four (\$4.00) dollars per diem each; *provided*, that such deputies so employed and appointed shall not be employed except during a year when the general election is held throughout the State, and then only between the first day of January and the fifteenth day of November of said year. Each of said deputies shall be paid at the same time and in the same manner as county officials are paid."

Also: On page 2, Section 1, line 49, strike out the words and figures "twenty-four (\$24.00)" and insert in lieu thereof the following: "two hundred and fifty (\$250.00)".

Also: On page 2, Section 1, line 51, strike out the period after the word "annum" and insert in lieu thereof a semicolon; also add the following: "*provided*, that in counties of this class the registrar of voters shall be allowed one deputy whose salary is hereby fixed at seventy-five dollars per month."

Also: In line 26, page 2 of the printed bill, after the period following the word "annum" insert the following: "In counties of the fourth class the registrar shall be allowed two deputies to serve during each even-numbered year; each of said deputies shall receive a salary of one hundred dollars per month during each even-numbered year."

Also: On page 3, Section 1, line 55, strike out the words and figures "twenty-four (\$24.00) per annum" and insert in lieu thereof the following: "five hundred dollars (\$500.00) per annum and such other fees as are now allowed by law to the county clerk for registration of voters."

Also: On page 3, Section 1, line 67, strike out the period after the word "annum" and insert in lieu thereof the following: a semicolon and add the following: "*provided*, that in counties of this class the registrar of voters is hereby allowed one deputy, whose salary shall be the sum of seventy-five dollars per month."

Also: On page 3, Section 1, line 69, strike out the word "twenty-four (\$24.00)" and insert in lieu thereof "one hundred (\$100.00)".

Also: Strike out the period after the word "annum" and insert in lieu thereof a semicolon and the words "*provided, further*, that in any year that the compilation of a new great register is required by law or supplements thereto, the registrar shall receive as expenses for compiling such great register and making supplements thereto the sum of fifteen cents for each name inserted in said great register and supplements thereto, to be paid by the board of supervisors upon the filing and presentation of a duly verified claim therefor by the registrar of voters with the board of supervisors of said county."

Also: On page 5, Section 1, strike out all of lines 138, 139, 140, 141, 142 and 143, and insert in lieu thereof the following: "In addition to the salaries herein provided where in any case the county clerk is now allowed fees or compensation or deputies or assistants for the registration of voters, or in the administration of laws relating to elections, such fees, compensation, deputies and assistants shall continue to be received or employed by the registrar of voters, and the right of the county clerk in such case to receive or employ the same shall thereupon cease, except where otherwise provided by law."

Also: On page 3, line 85 of the printed bill, after the words "per annum" strike out the period and insert a comma and add the following: "in counties of this class the registrar shall receive and he is hereby allowed in addition to such salary of

twenty-four (\$24.00) dollars per annum from the county, the sum of twelve and a half cents for each name registered."

Also: Strike out lines 52 and 53 on page 3 of the printed bill, and insert in lieu thereof the following: "The salary of the registrar in counties of the sixteenth class shall be one hundred (\$100.00) dollars per annum; *provided, further*, that in any year that the compilation of a new great register is required by law or supplements to be made thereto, the registrar shall receive as expenses for compiling such great register and making supplements thereto the sum of five cents for each name inserted in said great register and supplements thereto, to be paid upon filing and presentation of a duly verified claim therefor by the registrar of voters with the board of supervisors of said county; and *provided, further*, that in any year when a new register of voters is required by law or supplements to be made thereto, the said registrar may appoint such number of registration deputies as may be necessary for the registration of voters in their respective precincts, each of said deputies to receive the sum of ten cents per name for each elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim therefor on the General Fund of said county after proper allowance of said claim by said board of supervisors."

Also: On page 3, line 71, strike out the figures "\$24," and insert in lieu thereof the figures "\$840")."

Also: On page 3, line 87, strike out the figures "\$24," and insert in lieu thereof the figures "\$600")."

Also: On page 4, line 105, strike out the figures "\$24," and insert in lieu thereof the figures "\$360")."

Also: On page 3, Section 1, line 79, strike out the words and figures, "twenty-four (\$24.00)" and insert in lieu thereof the following: "three hundred (\$300.00)".

Also: On page 3, Section 1, line 77, strike out the words and figures, "twenty-four (\$24.00)" and insert in lieu thereof the following: "three hundred (\$300.00)".

Also: On page 3, Section 1, line 75, strike out the word "twenty-four (\$24.00)" and insert in lieu thereof the words "two hundred and fifty (\$250.00)".

Also: On page 3, Section 1, line 49, strike out the word "twenty-four (\$24.00)" and insert in lieu thereof the words "one hundred and fifty (\$150.00)".

Also: On page 3, Section 1, line 73, strike out the word "twenty-four (\$24.00)" and insert the words "seven hundred (\$700.00)".

Also: On page 3, Section 1, line 63, strike out the period after the word "annum" and insert in lieu thereof the following: a semicolon and add the following: "*provided*, that in counties of this class the registrar of voters in any year when a new registration of voters is required by law he shall be paid the sum of seven cents per name for each elector registered by him."

Also: On page 4, Section 1, line 101, strike out the period after the word "annum" and insert in lieu thereof the following: a semicolon and add the following: "*provided, further*, that in any year when a new registration of voters is required by law, the registrar of voters shall be paid the sum of ten cents (10c) per name for each elector registered by him".

Also: Strike out lines 108 and 109 on page 4 of the printed bill, and insert in lieu thereof the following: "The salary of the registrar in counties of the forty-fourth class shall be one hundred (\$100.00) dollars per annum; *provided, further*, that in any year that the compilation of a new great register is required by law or supplements to be made thereto, the registrar shall receive as expenses for compiling such great register and making supplements thereto the sum of fifteen cents for each name inserted in said great register and supplements thereto, to be paid by the board of supervisors out of the county General Fund upon the filing and presenting of a duly verified claim therefor by the registrar of voters with the board of supervisors of said county."

Also: Strike out lines 112 and 113 on page 4 of the printed bill, and insert in lieu thereof the following: "The salary of the registrar in counties of the forty-sixth class shall be one hundred (\$100.00) dollars per annum; *provided, further*, that in any year that the compilation of a new great register is required by law or supplements to be made thereto, the registrar shall receive as expenses for compiling such great register and making supplements thereto the sum of fifteen cents for each name inserted in said great register and supplements thereto, to be paid by the board of supervisors out of the county General Fund upon the filing and presentation of a duly verified claim therefor by the registrar of voters with the board of supervisors of said county."

Also: Strike out lines 120 and 121 on page 4 of the printed bill, and insert in lieu thereof the following: "The salary of the registrar in counties of fiftieth class shall be one hundred (\$100.00) dollars per annum; *provided, further*, that in any year that the compilation of a new great register is required by law or supplements to be made thereto, the registrar shall receive as expenses for compiling such great register and making supplements thereto the sum of fifteen cents for each name inserted in said great register and supplements thereto, to be paid by the board of supervisors out of the county General Fund upon the filing and presenting of a duly verified claim therefor by the registrar of voters with the board of supervisors of said county."

Also: On page 4, Section 1, line 125, strike out the words and figures "twenty-four (\$24.00)" and insert in lieu thereof the following: "seventy-five (\$75.00)".

Also: On page 4, Section 1, line 119, strike out the words and figures "twenty-four (\$24.00)" and insert in lieu thereof the following: "one hundred (\$100.00)".

Also: After the period in line 95, page 4 of the printed bill, add the following: "In addition to such salary in counties of this class the registrar shall receive from the county the sum of ten cents for each name registered."

Also: Strike out the words "twenty-four (\$24.00) dollars per annum" from line 97, page 4, Section 4149e of the printed bill, and insert in lieu thereof the following: "five hundred (\$500.00) dollars per annum."

Also: Strike out the words "twenty-four (\$24.00) dollars per annum" from line 117, page 4, Section 4149e of the printed bill, and insert in lieu thereof the following: "four hundred (\$400.00) dollars per annum."

Also: On page 4, Section 1, line 111, strike out the period after the word "annum" and insert in lieu thereof the following: a semicolon and add the following: "*provided, further,* that in any year when a new registration of voters is required by law, the registrar of voters shall be paid the sum of ten cents (10c) per name for each elector registered by him."

Also: On page 4, Section 1, line 103, strike out the period after the word "annum" and insert in lieu thereof a semicolon and add the following: "*provided, further,* that in any year when a new registration of voters is required by law, the registrar of voters shall be paid the sum of ten cents (10c) per name for each elector registered by him."

Also: On page 5, Section 1, line 137, strike out the period after the word "annum" and insert in lieu thereof the following: a semicolon and add the following: "*provided, further,* that in any year when a new registration of voters is required by law, the registrar of voters shall be paid the sum of ten cents (10c) per name for each elector registered by him."

Also: On page 3, Section 1, line 38 of the printed bill, strike out the period, insert a comma and add the following: "and in addition to such salary and in addition to the deputies now provided by law and allowed to the official charged with registration said registrar may appoint additional deputies, not to exceed two in number, for the purpose of registering electors and attending to election matters, to be paid not to exceed four (\$4.00) dollars per diem each; *provided,* that such deputies so employed and appointed shall not be employed except during a year when the general election is held throughout the State, and then only between the first day of January and the fifteenth day of November of said year. Each of said deputies shall be paid at the same time and in the same manner as county officials are paid."

Also: Strike out the period in line 47, page 3, Section 1, after the word "annum" and insert a semicolon and add the following: "*provided, further,* that in counties of this class the registrar of voters is hereby allowed one deputy whose salary is hereby fixed at seventy-five (\$75.00) dollars per month."

Also: On page 4, Section 1, line 59 of the printed bill, strike out all after the word "be" and insert in lieu thereof the words "six hundred (\$600.00) dollars per annum."

Also: In line 103, page 6, Section 1, strike out the word "annum" and insert the word "name".

Also: On page 6, line 111, Section 1, strike out the word "annum" and insert the word "name".

Also: On page 7, Section 1, line 135, strike out the period after the word "annum" and insert in lieu thereof a semicolon and add the following: "*provided, further,* that in any year when a new registration of voters is required by law, the registrar of voters shall be paid the sum of ten (10c) cents per name for each elector registered by him."

Also: On page 8, Section 1, line 141 of the printed bill, strike out the word "herein" and insert in lieu thereof the following: "in this section".

Also: In line 148 of page 8, strike out the word "herein" and insert in lieu thereof the following: "in this section".

Also: On page 2, Section 1, line 32, after the word "annum" insert a period, and strike out all after the word "annum" on line 32, all of lines 32a to and including all of line 34.

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 4 by the following vote:

AYES—Senators Beban, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cassidy, Cullen, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wolfe—29.

NOES—None.

Senate Bill No. 4 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 32?"

On page 1 of the printed bill, in the line beginning with the figures "1094," after the word "year," insert a comma followed by the words "to continue for two years, except as hereinafter provided,".

Also: On page 1, line 7 of the printed bill, omit the period and in lieu thereof insert a comma, followed by the words: ", when it shall cease for such election as to electors residing in the territory within which such election is to be held; and transfers of registration for such election may be made from one precinct to another precinct in the same county or city and county at any time when such registration shall be in progress in the precinct to which the elector seeks to transfer; *provided*, that where any general or special municipal election, or any other special election, is held between the first day in January and the closing of registration for the November general election of the year in which such new registration is had, the original affidavits of registration and indexes used in the last general state election in any county or city and county in this State may be used, together with the original affidavit of registration since the last election, and supplemental indexes, showing all additional registration, changes and corrections made since the registration for the last general election, completed to and including the thirtieth day prior to said general or special municipal election or other special election, which shall be the last day on which any person may register or transfer registration so as to entitle said person to a vote at such election."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 32 by the following vote:

AYES—Senators Bell, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wolfe—28.

NOES—None.

Senate Bill No. 32 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 42?"

On page 1, Section 1, line 7, after the word "Clerk" strike out the semicolon and insert in lieu thereof a comma.

Also: On page 1, Section 1, line 11, after the word "Coroner" add the following: "Whenever any elective and appointive office shall be consolidated and the elective office shall at that time have an incumbent, such incumbent shall continue to perform the duties of such consolidated offices during the remainder of the term for which he was elected or appointed, and such consolidated offices shall thereafter be filled by election at the time and for the purpose for which other county officers are elected. If more than one elective office shall be consolidated and such offices shall then have incumbents the board of supervisors shall designate which of such incumbents shall continue to perform the duties of such consolidated offices."

Also: On page 1, Section 1, line 6, strike out the comma following the word "collector" and insert in lieu thereof a semicolon.

Also: On page 1, Section 1, line 12, after the word "and" insert the word "an".

Also: On page 2, Section 1, strike out all of line 20 after the comma following the word "incumbents," and all of lines 21 and 22, and insert in lieu thereof the following: "such consolidation shall become effective at the expiration of the term for which such incumbents were elected or appointed".

The roll was called, and the above Assembly amendments to Senate Bill No. 42 concurred in by the following vote:

AYES—Senators Beban, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wolfe—32.

NOES—None.

Senate Bill No. 42 ordered to enrollment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Boynton asked for, and was granted, unanimous consent to take up Assembly Bill No. 70 out of order, for the purpose of amendment.

Assembly Bill No. 70—An Act to amend Sections 1096 and 1097 of the Political Code, relating to elections and the registration of voters.

Bill read third time.

Senator Hewitt moved to refer to Senator Bell, as a special committee of one, to amend as follows:

On page 4, at the end of Subdivision 5 of Section 2 of the printed bill, insert a new subdivision as follows: "6. Whenever any elector, between the time of her last registration and the time for the closing of registration for any given election in the same county or city and county, shall have lawfully changed her surname by a change or assumption of marital relations, she shall be entitled to re-register under her new or changed name, upon an additional statement made at the time of such re-registration, giving the name under which she was so last registered in said county or city and county, and the residence given and contained in said last affidavit of registration, which additional statement shall be printed or written upon the margin of such affidavit of re-registration before the said affidavit is signed, and shall be deemed a part thereof. Upon such re-registration the last previous registration of such elector shall be canceled."

Also: On page 4 of the printed bill, renumber Subdivision 6 as Subdivision 7.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 21, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 70, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELL, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print, and on file for third reading.

MOTION.

Senator Wolfe moved to take up Assembly Bill No. 66 for third reading and final passage.

Motion duly seconded.

SUBSTITUTE MOTION.

Senator Thompson moved, as a substitute to the motion of Senator Wolfe, that the third reading and final passage of Assembly Bill No. 66 be made a special order for Friday, December 22, 1911, at eleven o'clock A. M.

Motion duly seconded.

MOTION TO POSTPONE.

Senator Wolfe moved that further consideration of the pending question be postponed until ten o'clock P. M. of this day.

Motion duly seconded.

Motion carried.

RECESS.

At nine o'clock and fifty minutes P. M., on motion of Senator Wolfe, the President declared the Senate at recess until ten o'clock P. M. of this day.

RECONVENED.

At ten o'clock P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

CONSIDERATION OF MOTION—(RESUMED).

The hour having arrived for the resumption of the consideration of the substitute motion of Senator Thompson for the motion of Senator

Wolfe, relative to the consideration of Assembly Bill No. 66, the same was taken up for consideration.

Substitute motion carried.

SPECIAL ORDER SET.

In accordance with the above motion, the consideration of Assembly Bill No. 66 for third reading and final passage was made a special order for Friday, December 22, 1911, at eleven o'clock A. M.

RESOLUTION.

The following resolution was introduced:

By Committee on Contingent Expenses:

Resolved, That there is hereby appropriated out of the Contingent Fund of the Senate the sum of fourteen (\$14.00) dollars to pay the claim of J. H. Zemansky as deputy registrar of San Francisco for services rendered by said J. H. Zemansky to the Apportionment Committee of the Senate, and the Controller is hereby directed to draw his warrant in favor of the Secretary of the Senate to pay said claim, and the Treasurer is directed to pay the same.

BURNETT, Chairman.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Campbell, Cassidy, Curtin, Cutton, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Walker, Wolfe, and Wright—29.

NOES—None.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 21, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that the following Senate Bill has been correctly enrolled.

Senate Bill No. 53—An Act to make an appropriation for the contingent expenses of the Senate for the extra session of the thirty-ninth Legislature of the State of California during the sixty-third fiscal year.

And was presented to the Governor, December 21, 1911, at nine o'clock P. M.

CASSIDY, Chairman.

APPROVAL OF JOURNALS.

The Journals of Tuesday, December 19, 1911, and Wednesday, December 20, 1911, having been corrected, were read, and, on motion of Senator Estudillo, were approved.

ADJOURNMENT.

At ten o'clock and ten minutes P. M., on motion of Senator Bell, the President declared the Senate adjourned until Friday, December 22, 1911, at ten o'clock and forty-five minutes A. M.

IN SENATE.

SENATE CHAMBER,

Friday, December 22, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Behan, Bell, Birdsell, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, December 21, 1911, the further reading was dispensed with, on motion of Senator Rush.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Concurrent Resolution No. 4, the same was taken up for consideration.

Senate Concurrent Resolution No. 4—Relative to final adjournment of the thirty-ninth (extra) session of the Legislature of the State of California.

SPECIAL ORDER RESET.

Senator Boynton moved that the further consideration of Senate Concurrent Resolution No. 4—Relative to final adjournment of the thirty-ninth (extra) session of the Legislature of the State of California—be made a special order for Friday, December 22, 1911, at three o'clock P. M.

Motion carried.

SUSPENSION OF RULES.

Senator Hewitt moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 30, the same was taken up for consideration.

Assembly Bill No. 30—An Act to provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for President of the United States, and to provide

for the election of the delegates of said political parties to their respective national conventions, and to call an election in conformity with the provisions of this Act.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sanford moved to refer to Senator Cartwright, as a special committee of one, to amend as follows:

On page 3, Section 3 of the printed bill, strike out lines 12 and 13 and the words "at large" on line 14, and insert in lieu thereof the following: "Except as hereinafter provided there shall be elected by the qualified electors of each party by state-wide vote four delegates at large to each national party convention held for the purpose of nominating a candidate for President and Vice-President; and two delegates to each such convention shall be elected in like manner from each of the eleven congressional districts of the State. Should the official call of any party national committee provide for a greater number of delegates than those designated in this section, all delegates in excess of twenty-two shall be elected at large. Should the number be more than eleven and less than twenty-two, then one delegate shall be elected from each congressional district, and all delegates in excess of eleven shall be elected at large. Should the number of delegates so designated be less than the total number of congressional districts in the State, all of said delegates shall be elected at large."

Also: On page 4 of the printed bill, line 15, after the word "nomination paper", insert the following: "as candidates at large and as congressional district candidates."

Also: On page 4 of the printed bill, line 17, strike out the word "elected" and insert in lieu thereof the following: "voted for by said party in any congressional district."

Also: On page 4, line 18 of the printed bill, strike out all of the remainder of the paragraph after the words "*and provided, further,*" being that portion of line 18 including the words "that when the", and all of lines 19 to 25, inclusive, and insert in lieu thereof the following: "that the names of candidates shall be so printed upon the same nomination paper as to plainly distinguish the candidates at large from the congressional district candidates."

Also: On page 7, lines 39-44 of the printed bill, after the words "this act" insert the following: "The words 'Delegates at Large' shall be printed in appropriate heavy faced type at the head of the group of candidates to be elected by a state-wide vote, and the words 'District Delegates' shall be similarly printed in appropriate heavy faced type at the head of the group of candidates to be elected by congressional district vote."

Also: On page 8 of the printed bill, line 15, after the words "entire State", insert the following: "(if a candidate at large) or throughout the _____ (insert number of district) Congressional District (if a candidate for district delegate)".

Also: On line 3 of the form of ballot, before the words "Third Assembly District" insert "_____ Congressional District".

Also: In the line immediately under the horizontal column providing for choice for presidential nominee, strike out the figures "26", wherever they occur in the line beginning with the words "For delegates to National Convention", and insert in lieu of the first "26" the words "four delegates from the state at large and two congressional district delegates", and in lieu of the second "26", the word "six".

Also: Rearrange the form of ballot of each column of candidates for delegates, by placing the names of the first four candidates for delegates at large, under the head "Delegates at Large". The words shall be printed in appropriate heavy face type and form a line or subhead immediately over the group of names of candidates of delegates at large, and extending from the heavy line rule at the left of the column to the light line rule immediately at the right of the line named, the printed line to be separated from all printed matter by a ruled line heavier than that separating the names of the candidates. Immediately underneath the list of names appearing in the group of candidates for delegates at large insert the subhead or head line "District Delegates", said subhead or head line being separated from all other printed matter by ruled lines the same as in the case provided for delegates at large. Arrange each column appearing on the ballot the same as hereinbefore provided for.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 22, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 30, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTWRIGHT, Committee.

The question being on the adoption of the report of the special committee of one appointed to amend Assembly Bill No. 30.

ROLL CALL DEMANDED.

The roll call was demanded by Senators Sanford, Wolfe, and Estudillo.

The roll was called, and the report of the special committee of one appointed to amend Assembly Bill No. 30 refused adoption by the following vote:

AYES—Senators Cartwright, Curtin, Hare, Juilliard, Martinelli, Sanford, Wolfe, and Wright—8.

NOES—Senators Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cutton, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Welch—29.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 30 finally passed by the following vote:

AYES—Senators Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Burnett:

Resolved, That the State Printer be and he is hereby ordered to print 12,000 copies of the Public Utilities Act together with an index and marginal index, for general distribution, and in addition to the 18,000 copies of said Act authorized by resolution heretofore, making 30,000 copies in all.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—35.

NOES—None.

Also:

BY COMMITTEE ON CONTINGENT EXPENSES.

Resolved, That the State Controller be, and he is hereby, instructed to draw his warrant on the Contingent Fund of the Senate, in favor of the Secretary of State for \$500.00 or so much thereof as may be needed to pay the cost of forwarding to each member of the Legislature, fifty copies of the Public Utilities Act, and also the cost of general distribution of said Act, and the Treasurer is directed to pay the same.

BURNETT, Chairman.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Gates, Haas, Hare, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

Also:

Resolved, That there is hereby appropriated out of the Contingent Fund of the Senate one hundred dollars (\$100) in addition to the amount heretofore appropriated, or so much thereof as may be needed, for the purpose of expressing all papers and documents belonging to Senators to their places of residence at the close of the special session. The Sergeant-at-Arms of the Senate shall cause this work to be done and he shall file with the Controller of the State vouchers covering the different items of expense, whereupon the Controller shall draw his warrant in favor of the Sergeant-at-Arms for the amount necessarily expended, and the Treasurer is directed to pay the same.

BURNETT, Chairman.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Finn, Gates, Haas, Hare, Hewitt, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

EXPLANATION OF VOTE.

Senator Wright asked for, and was granted, unanimous consent to explain his vote on Assembly Bill No. 30, and have the explanation printed in the Journal.

MR. PRESIDENT: On behalf of the electors of all political parties of the congressional district in which I live, I desire to enter a vigorous protest against a provision in the preferential presidential primary bill which is unamerican and does violence to both Republican and Democratic principles. I have voted for the preferential primary bill in its present form because I am a firm believer in the right of the people to express their choice for President. But there is written in the bill another provision which denies to the electors of the several congressional districts the right to select their own delegates to national party conventions. As a Republican I can never subscribe to a doctrine so arbitrary and tyrannical. It denies to the voters of my congressional district the right to select their own representatives to national conventions. It in effect declares that the voters of my district have not the political wisdom to select their own delegates. It provides a method by which the voters residing in the country districts allied with the voters of Los Angeles may elect those who are to represent San Francisco in national conventions. Under its provisions the voters of San Francisco, Los Angeles, and Oakland might select the delegates to represent the electors of my congressional district, in total disregard of the wishes of the people residing within that district.

By the enactment of this provision you have bowed down to political expediency and have departed from the straight path of principle. You have disregarded in its enactment a principle as old as the Declaration of Independence, namely, the right of representation. This provision permits a delegate to be elected to a national party convention from a congressional district by a state-wide vote which overrides and tramples down the wishes of a majority of the voters of that district. In this respect it is unjust, unpatriotic and vicious. It may chance under the provisions of such a law that the majority of a party in a district will be disfranchised. The majority being thus unrepresented in national convention, they will be deprived of any vote in framing a platform which will determine the policies on which the party may go before the people. I predict that the law in its present form will not receive the approbation of the voters of the State and that it will be amended before another presidential election, by permitting the voters of the several congressional districts to elect their own representatives.

LEROY A. WRIGHT.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Thompson asked for, and was granted, unanimous consent to take up Assembly Bill No. 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts, and defining and establishing such districts—for consideration, out of order.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Larkins moved to refer to Senator Hurd, as a special committee of one, to amend as follows:

On page 6, Section 1, Subdivision 17, line 1, after the word "of" strike out the following: "Kings".

Also: On page 9, Section 1, Subdivision 32, line 1, after the word "Tulare," insert "Kings".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, December 22, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 66, with instructions to amend, respectfully reports the same back, amended as per instructions.

HURD, Committee.

Report of special committee of one, and amendments, refused adoption.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 66 finally passed by the following vote.

AYES—Senators Avey, Beban, Bell, Birdsell, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hewitt, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—35.

NOES—Senator Larkins—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Hurd, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended and adopted, as amended, Senate Concurrent Resolution No. 2 Relative to joint rules of Senate and Assembly—and respectfully request your honorable body to concur in the amendments.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 2?"

Strike out all of Rule 13, including the title, and insert in lieu thereof the following:

Committee on Free Conference.

13. If at least four members of said Committee on Conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a Committee on Free Conference, to consist of six mem-

bers, appointed in the same manner as the Committee on Conference. The Committee on Conference and the Committee on Free Conference shall each have power to embody in its report any amendment or amendments which a majority of the committee shall approve and recommend for adoption, and any such proposed amendments shall be attached to the bill. The final report of either of said committees need not be signed by all its members, but any four of said members may submit such report. The report of neither the Committee on Conference nor the Committee on Free Conference shall be subject to amendment in either house, and unless at least four members of the Committee on Free Conference unite in the submission of a report, no further action shall be taken with respect to the bill then under consideration. No member of the Conference Committee shall be appointed as a member of the Free Conference Committee.

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Concurrent Resolution No. 2 by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Curtin, Cullen, Estudillo, Finn, Gates, Haro, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

Senate Concurrent Resolution No. 2 ordered to enrollment.

JOINT RULES OF SENATE AND ASSEMBLY.

Joint Address to Governor.

1. When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate in the presence of the Speaker of the House and a select committee of nine (9) members, appointed for that purpose from each house.

Bill or Resolution in One House, Rejected in the Other, Requires Notice.

2. When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given immediately to the house in which the same shall have passed.

Each House to Transmit Papers.

3. Each house shall transmit to the other papers on which any bill or resolution shall be founded.

Joint and Concurrent Resolutions.

4. Joint resolutions are those which relate to matters connected with the Federal Government. All other resolutions relating to matters to be treated by both houses of the Legislature are concurrent resolutions.

Joint Resolutions Treated as Bills.

5. All joint resolutions shall be treated in all respects as bills; except that all joint resolutions shall be read but one time in each house.

Amendments to Amended Bills Must Be Attached.

6. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

Bills Read and Referred to Committee.

7. When a Senate bill has been received by the Assembly, or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the Secretary or Clerk and referred to a standing committee.

After a Bill Has Been Passed by the Senate or Assembly.

8. When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate, after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate messages" or "Assembly messages"), read the first time, and shall then be assigned to the proper committee, who shall act upon the same as soon as practicable, and report the same back to the Senate or Assembly forthwith, and the chairman of each

committee is charged with the observance of this rule, provided that the Senate or the Assembly may, at any time, order such bill reported back from any committee by a majority vote.

To Concur or Refuse to Concur in Amendments.

9. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments.

When Amendments Are Concurred in.

10. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the amendments, and the bill shall be ordered to enrollment.

When Senate or Assembly Refuse to Concur.

11. If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a committee on conference shall be appointed, consisting of six members, three to be appointed by the President of the Senate and three by the Speaker of the Assembly. The Committee on Conference shall report to both the Senate and Assembly.

Committee on Conference.

12. In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective committees.

Committee on Free Conference.

13. If at least four members of said Committee on Conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a Committee on Free Conference, to consist of six members, appointed in the same manner as a Committee on Conference.

The Committee on Conference and the Committee on Free Conference shall have the power to embody in its report any amendment or amendments which a majority of the committee shall approve and recommend for adoption, and any such proposed amendments shall be attached to the bill. The final report of either of said committees need not be signed by all its members, but any four of said members may submit such report. The report of neither the Committee on Conference nor the Committee on Free Conference shall be subject to amendment in either house, and unless at least four members of the Committee on Free Conference unite in the submission of a report, no further action shall be taken with respect to the bill then under consideration. No member of the Conference Committee shall be appointed as a member of the Free Conference Committee.

When Conference Committee Report Is in Order.

14. The presentation of report of Committee on Conference or Free Conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate or Assembly is dividing, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

Messages Must Be Announced by the Assistant Sergeant-at-Arms.

15. When a message shall be sent from either house it shall be announced at the door by the Sergeant-at-Arms, and shall be respectfully communicated to the presiding officer by the person by whom it may be sent.

Secretary, Clerk, Etc., to Carry Messages.

16. Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each house may determine to be proper.

Notice to Be on Paper, Under Proper Signatures.

17. Notice of the action of either house to the other shall be on paper, and under the signature of the Secretary or Clerk of the house from which such notice is to be conveyed.

Enrolled Bills to Receive Signature of Proper Officer.

18. After a bill shall have passed both houses, it shall be duly enrolled and carefully compared by the Engrossing and Enrolling Clerk and Engrossing and Enrolling Committee of the Assembly, or of the Senate, as the bill may have originated, and shall first receive the signature of the presiding officer and Clerk or Secretary of the house in which it emanated, before it shall be presented to the Governor of the State.

Enrolling Committee to Compare.

19. When bills are enrolled they shall be reëxamined by the Engrossing and Enrolling Committee of the house in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two houses, and, correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the house in which the bill originated, stating by whom such bill was examined.

President and Speaker to Sign Bills.

20. After the examination and report, each bill shall be signed in the respective houses, first by the Speaker of the Assembly, then by the President of the Senate.

Enrolling Committee to Present Bills to Governor.

21. After a bill shall have been thus signed in each house, it shall be presented by the Engrossing and Enrolling Committee of the house in which it originated to the Governor of the State for his approval (it being first endorsed on the back of the bill by the Secretary or Clerk, as the case may be, certifying in which house the bill originated). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the house in which the bill originated.

Daily History of Bills, Etc.

22. There shall be printed daily, by both the Senate and Assembly, a history of all bills, joint and concurrent resolutions, and constitutional amendments, which shall show the action taken by the house up to the day preceding the publication of such history. A regular form shall be prescribed, and no other form shall be used.

Secretary and Clerk to Keep Register.

23. The Secretary of the Senate and Clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment.

Secretary and Clerk Shall Endorse Bills.

24. The Secretary of the Senate and Clerk of the Assembly shall endorse on every original bill a statement of any action taken by the Senate and Assembly.

Adjournment Sine Die.

25. An adjournment *sine die* shall be made only by concurrent resolution.

Dispensing With Joint Rules.

26. No joint rule shall be dispensed with except by vote of two thirds of each house; and if either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house, the President or Speaker may direct the Secretary or Clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At one o'clock and forty minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 16—An Act to amend section eleven hundred and six of the Political Code of the State of California, relating to cancellation of names entered in the great register.

Also: Senate Bill No. 20—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by Congress to the State of California for the benefit of the public schools, and internal improvements, authorizing the conveyance of land by officers of the State for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions hereof.

Also: Senate Bill No. 30—An Act approving the report of the California Débris Commission, transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries, or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the

California Débris Commission and to make report thereof making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers.

Also: Senate Bill No. 37—An Act to amend Section 3494 of the Political Code of the State of California, relating to the sale of school lands.

L. B. MALLORY, Chief Clerk of the Assembly.

By A. H. HARLIN, Assistant Clerk.

Senate Bills Nos. 16, 20, 30 and 37 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 2—An Act to establish a standard of weights and measures in the State of California: to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this Act; for the admission in evidence of copies of the State's standards of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this Act including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this Act into effect.

Also: Senate Bill No. 44—An Act to provide for submitting to the qualified electors of every city and county, incorporated city or town in this State the question whether such city and county, or incorporated city or town shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the voters of any such city and county or incorporated city or town shall have voted to retain such powers or to reinvest such city and county or incorporated city or town, with such powers, in case the voters thereof have voted to surrender such powers.

And respectfully request your honorable body to concur in the amendments.

L. B. MALLORY, Chief Clerk of the Assembly.

By A. H. HARLIN, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 2?"

In Section 1, strike out all of lines 5, 6, and 7 and insert in lieu thereof the following: "whose duties shall be the administration and enforcement of this Act."

Also: In lines 5 and 6 of Section 2, strike out the words "thirty-six hundred" and insert in lieu thereof the following: "three thousand."

Also: Strike out all of Section 3 and insert in lieu thereof the following:

"SEC. 3. The state superintendent may appoint such deputies as he may deem advisable, not to exceed five, subject to the approval of the Governor, who shall have the same power as the state superintendent. Such deputies shall have a salary of fifteen hundred dollars per annum, to be paid in the same manner and at the same time as the salaries of state officers. They shall be at all times subject to removal at the pleasure of the state superintendent or of the Governor."

Also: In line 2, Section 4, strike out the word "traveling" and insert in lieu thereof the word "transportation".

Also: Strike out all of Sections 7 to 32, inclusive, and insert in lieu thereof the following:

"SEC. 7. The Superintendent of Weights and Measures shall make or cause to be made examinations of weights, scales, beams, measures of every kind, instruments or mechanical devices for weighing or measurement, and tools, appliances and accessories connected with any or all such instruments or measures at such times and places and to such extent as said Superintendent of Weights and Measures may determine, for the purpose of investigating and ascertaining if any mechanical devices above enumerated are false or incorrect.

SEC. 8. It shall be the duty of the Superintendent of Weights and Measures whenever he has satisfactory evidence of the violation of this Act, respecting the fraudulent use of weights, scales, beams, measures of every kind, instrument or mechanical devices for weighing, or measurement, and tools, appliances and accessories connected with any or all such instruments or measures to report such fact to the district attorney of the county where the law is violated.

SEC. 9. It shall be the duty of the district attorney to prosecute all violations of the provisions of this Act occurring in his county.

SEC. 10. Any person who, by himself, or his employee or agent, or as an employee or agent of another, shall use, in the buying or selling of any commodity, a false weight or measure or weighing or measuring instrument, or use any weight or measure or weighing or measuring instrument in any county, city, town, or city and county, or any person who by himself, or his employees or agent, or as the employee or agent of another, shall sell or offer for sale or have in his possession for the purpose of selling any device or instrument to be used to or calculated to falsify any weight or measure, and any person, who by himself or his employee, or agent, or as the employee or agent of another, shall sell or offer or expose for sale any commodity, produce, article or thing in a less quantity than he represents it to be shall be guilty of a misdemeanor."

Also: Strike out all of Section 33 and insert in lieu thereof the following:

"SEC. 11. The state superintendent and his deputies, in the performance of their official duties, shall have the same powers as are possessed by peace officers of this State."

Also: Strike out all of Sections 34, 35, 36, and 37 and insert in lieu thereof:

"SEC. 12. Any person who shall hinder or obstruct in any way the state superintendent or his deputies in the performance of their official duties or shall neglect or refuse to exhibit any weights, measures, or weighing or measuring instruments of any kind, or appliances or accessories connected with any or all such measures or instruments which are in his possession or under his control to the state superintendent or his deputies for the purpose of allowing the same to be inspected and examined as in this Act provided, shall be guilty of a misdemeanor."

SEC. 13. Upon the application of any person, persons, company or corporation, the Superintendent of Weights and Measures shall detail a deputy, who shall proceed to the place or places of business of the above named person, persons, company or corporation with the necessary standards of weights and measures and shall examine and test the weights, scales, beams, measures of every kind, instruments or mechanical devices for weighing or measurement, and tools, appliances, and accessories connected with any or all such instruments and measures, and such as he finds correct he shall give his certificate to the owner thereof stating that the same were correct at time of examination, and shall also place a seal upon such article showing same correct at date of inspection. All expenses of said examination shall be borne by the State, except that the parties asking such examination shall pay the expenses of the transportation of the standards to and from the places of examination."

Also: In line 1, Section 38, after the word "Sec." strike out the figures "38" and insert in lieu thereof "14."

Also: Strike out all of Sections 39, 40, 41, 42, 43 and insert in lieu thereof the following:

"SEC. 15. There is hereby appropriated out of the General Fund of the State the sum of ----- dollars for carrying into effect the provisions of this Act, and for the purchase of all necessary standards of weights and measures, necessary for the carrying out of this Act."

SEC. 16. This Act shall not affect the appointment or the duties of any sealer of weights and measures heretofore appointed, or who may hereafter be appointed, for any city or town acting under a freeholders' charter."

Also: Amend the title of Senate Bill No. 2 so as to read as follows:

"An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection thereof; to provide penalties for the violation of the provisions of this Act; providing for the appointment of officers to enforce and carry into effect the provisions of this Act, including a state superintendent of weights and measures and his deputies; defining the powers and duties of such officer; and making an appropriation to carry this Act into effect."

The roll was called, and the Senate refused to concur in the Assembly amendments to Senate Bill No. 2 by the following vote:

AYES—Senator Juilliard—1.

NOES—Senators Beban, Bell, Birdsall, Black, Boynton, Bryant, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hare, Howitt, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 44?"

Page 8, Section 8, line 4, after the comma following the word "power," insert the following: "as hereinafter provided."

Also: Page 8, Section 8, line 15, strike out the word "ballots" and insert in lieu thereof the following: "ballot to be used".

Also: On page 2, Section 4 of the printed bill, strike out all of lines 4 to 9 (both inclusive, and all of line 10 to and including the comma immediately after the word

"question", and insert in lieu thereof the following: "of such municipal corporation, as provided in this Act, either at a general municipal election or at a special election held therein. Such question may be so submitted, either in pursuance of an ordinance of intention adopted by a vote of three fifths of all the members of the legislative body of such municipal corporation, declaring that the public interest requires the submission of, and that it is the intention of such legislative body to submit, such question to a vote of the qualified electors of such municipal corporation."

Also: On page 4, Section 5 of the printed bill, strike out the words "the legislative", at the end of line 2 and all of lines 3 to 7, both inclusive, and all of line 8 to and including the period immediately after the word "act", in said line 8, and insert in lieu thereof the following: "as provided in Section 4 of this Act, the legislative body of such municipal corporation shall, by ordinance, order the holding of a special election for the purpose of submitting to the qualified electors of such municipal corporation the propositions set forth in such ordinance of intention or in such petition, as the case may be, which propositions shall be those set forth in Section 6 of this Act, or such legislative body shall, by ordinance, order the submission of such propositions at a general municipal election, as hereinafter provided."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 44 by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsell, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Estrudillo, Finn, Gates, Hans, Hewitt, Hurd, Larkins, Rezan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Senate Bill No. 44 ordered to enrollment.

MOTION.

Senator Roseberry moved that the President appoint a Committee on Conference, to meet a similar committee to be appointed by the Assembly, to confer upon Assembly Bill No. 11.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 22, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Senate Bill No. 5—An Act to amend section four thousand and thirteen of the Political Code of California, relating to the officers of a county.

Also: Senate Bill No. 6—An Act to amend Section 4232 of the Political Code of California, relating to the salaries and fees of officers in counties of the third class.

Also: Senate Bill No. 7—An Act making an appropriation for the purpose of carrying out the provisions of the Public Utilities Act.

Also: Senate Bill No. 43—An Act to amend Section 4020 of the Political Code of California, relating to consolidation of county offices.

And were presented to the Governor December 22, 1911, at twelve o'clock M.

CASSIDY, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Contingent Expenses:

WHEREAS, The Sergeant-at-Arms of the Senate has submitted to the Senate Committee on Contingent Expenses the various bills herein set out for supplies furnished to the Senate, and the committee has examined the same and believe them to be proper charges against the Senate; therefore, be it

Resolved, That the State Controller be, and he is hereby, directed to draw his separate warrants in favor of the Sergeant-at-Arms of the Senate for the various sums set out herein below, amounting to the sum of \$247.30, the bills for which are attached

hereto, upon the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Pacific States Telephone and Telegraph Company-----	\$0 75
Pacific States Telephone and Telegraph Company-----	2 15
Pacific States Telephone and Telegraph Company-----	13 05
Scott, Lyman & Stack-----	50 05
Cascade Towel Company-----	15 00
Henry E. Sleeper-----	2 50
Kane & Trainor-----	48 00
Whiskey Hill Water Company-----	45 00
Whiskey Hill Water Company-----	15 00
F. R. Pulford-----	29 45
F. R. Pulford-----	5 75
Wahl Stationery Company-----	20 60

\$247 30

BURNETT, Chairman.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Belan, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

SENATOR HURD IN THE CHAIR.

At one o'clock and fifty minutes P. M., Senator Hurd, of the Thirty-seventh District, in the chair.

RECESS.

At one o'clock and fifty-five minutes P. M., on motion of Senator Bell, the Acting President declared the Senate at recess until three o'clock and thirty minutes P. M. of this day.

RECONVENED.

At three o'clock and thirty minutes P. M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Strobridge, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 24—An Act to amend section one of an Act entitled "An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten which is provided in section fourteen of article thirteen of the Constitution of this State and as provided in an Act of the thirty-ninth session of the Legislature entitled 'An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation,'" approved April 26, 1911.

Also: Senate Bill No. 54—An Act to amend section thirty-one of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for irrigation of the lands embraced within such district, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

L. B. MALLORY, Chief Clerk of the Assembly.

Senate Bills Nos. 24 and 54 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 14—Relative to national forests situated within the State of California and requesting the war department of the United States to station and maintain Federal troops in such national forests during certain months.

Also: Senate Joint Resolution No. 7—Relative to establishment of dry docks at Hunter's Point in the bay of San Francisco.

Also: Senate Joint Resolution No. 12—Relative to arbitration peace treaties now pending before the Senate of the United States.

L. B. MALLORY, Chief Clerk of the Assembly.

Senate Joint Resolutions Nos. 14, 7 and 12 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 3—Relative to the teaching of patriotism in the public schools of California.

L. B. MALLORY, Chief Clerk of the Assembly.

Senate Concurrent Resolution No. 3 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 6—Relative to granting to the State of California certain lands contiguous to California Redwood Park.

L. B. MALLORY, Chief Clerk of the Assembly.

Assembly Joint Resolution No. 6 ordered referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891; and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act—and requests that your honorable body recede therefrom.

L. B. MALLORY, Chief Clerk of the Assembly.

The question being, "Shall the Senate recede from the following amendments to Assembly Bill No. 66?"

On page 1, amend the title by striking out the period after the word "districts", and insert as follows: ", and to repeal an Act entitled 'An Act to divide the State into legislative districts as required by section six, article four of the Constitution, and to provide for the election of Assemblymen and Senators in such districts,' approved March 11, 1891; and also to repeal an Act entitled 'An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein,' approved March 21, 1901, and all other Acts in conflict with this Act."

Also: After the enacting clause, strike out all of Sections 1 and 2, and insert in lieu thereof the following:

"SECTION 1. Section seventy-eight of the Political Code is hereby amended to read as follows:

78. The State is divided into forty senatorial districts, which shall be designated and constituted as follows:

1. The counties of Del Norte, Humboldt, Trinity and Tehama shall constitute the First Senatorial District.

2. The counties of Modoc, Siskiyou, Shasta and Lassen shall constitute the Second Senatorial District.

3. The counties of Plumas, Sierra, Nevada, Placer and El Dorado shall constitute the Third Senatorial District.

4. The counties of Mendocino, Colusa, Lake and Glenn shall constitute the Fourth Senatorial District.

5. The counties of Napa and Solano shall constitute the Fifth Senatorial District.

6. The counties of Butte, Yuba, Sutter and Yolo shall constitute the Sixth Senatorial District.

7. The county of Sacramento shall constitute the Seventh Senatorial District.

8. The county of Sonoma shall constitute the Eighth Senatorial District.

9. The counties of Marin and Contra Costa shall constitute the Ninth Senatorial District.

10. The counties of San Joaquin and Amador shall constitute the Tenth Senatorial District.

11. The counties of San Mateo, San Benito and Santa Cruz shall constitute the Eleventh Senatorial District.

12. The counties of Tuolumne, Mariposa, Stanislaus, Merced, Alpine, Madera and Calaveras shall constitute the Twelfth Senatorial District.

13. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the line dividing Oakland and Brooklyn townships intersects the northeasterly boundary line of the county of Alameda; thence southwesterly along said dividing line to the northeasterly boundary line of the city of Piedmont; thence southeasterly and southerly following the northern and eastern boundary line of the city of Piedmont to the southeasterly corner thereof; thence southwesterly along Thirteenth avenue to the center line of Fourteenth avenue; thence southerly along the center line of Fourteenth avenue to the center line of Lincoln street; thence easterly along the center line of Lincoln or East Thirty-first street to the center line of Twenty-third avenue; thence southerly along the center line of Twenty-third avenue to the center line of Sherman street, otherwise known as the old County Road; thence easterly along said old County Road to the center line of High street; thence easterly along the center line of the Foothill Road, or County Road No. 3358, to the center line of Grand or Ninetieth avenue; thence southwesterly along said line of Ninetieth avenue, crossing East Fourteenth street to the center line of "B," or Second street; thence easterly along said "B" street to the center line of Jones, or Ninety-eighth avenue; thence southerly along the center line of Jones, or Ninety-eighth avenue, to the center line of County Road No. 1995; thence southerly along center line of County Road No. 1995 to the line dividing Brooklyn and Eden townships; thence westerly along said township line to the line dividing Brooklyn and Alameda townships; thence southerly and westerly along the boundary line of Alameda township to the westerly boundary line of Alameda County; thence southerly along said westerly boundary line to its intersection with the northerly boundary line of Santa Clara County; thence easterly along the boundary line dividing Alameda and Santa Clara counties to a point which is the intersection of the boundary lines of the counties of Alameda, Santa Clara, Stanislaus, and San Joaquin; thence northwesterly and northerly along the boundary line between the counties of Alameda and San Joaquin to a point where the boundary line dividing the counties of Alameda and Contra Costa intersects the westerly boundary line of the county of San Joaquin; thence in a southwesterly and northwesterly direction along the boundary line between the counties of Alameda and Contra Costa to the point of beginning, shall constitute the Thirteenth Senatorial District.

14. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the westerly boundary line of the county of Alameda is intersected by the line dividing Oakland and Alameda townships; thence easterly along said dividing line to a point in Oakland harbor where said line is intersected by the line dividing Oakland and Brooklyn townships; thence northerly along the westerly boundary line of Brooklyn township, passing through the easterly arm of Lake Merritt and up Indian Gulch to the northeasterly boundary line of East Oakland Heights; thence southeasterly along said last boundary line to the center of Thirteenth avenue; thence northeasterly along center line of Thirteenth avenue, or County Road to Moraga Valley, to the center line of Fourteenth avenue; thence southerly along the center line of Fourteenth avenue to the center line of Lincoln street; thence easterly along the center line of Lincoln, or East Thirty-first street, to the center line of Twenty-third avenue; thence southerly along the center line of Twenty-third avenue to the center line of Sherman street, otherwise known as old County Road; thence easterly along said old County Road to the center line of High street; thence along the center line of Foothill Road, or County Road No. 3358, to the center line of Grand, or Ninetieth avenue; thence southerly along said line of Ninetieth avenue, crossing East Fourteenth street to "B," or Second street; thence easterly along said "B" street to the center line of Jones, or Ninety-eighth avenue; thence southerly along the center line of Jones, or Ninety-eighth avenue, to the center line of County Road No. 1995; thence southerly along center line of County Road No. 1995 to the line dividing Brooklyn and Eden townships; thence westerly along said township line to the line dividing Brooklyn and Alameda townships; thence southerly and westerly along the boundary line of Alameda township to the westerly boundary line of Alameda County; thence northwesterly along the west-

erly county boundary line to the southerly boundary line of Oakland township and the point of beginning, shall constitute the Fourteenth Senatorial District.

15. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the northern boundary line of the city of Berkeley intersects the northeasterly boundary line of the county of Alameda; thence westerly along said northern boundary line of the city of Berkeley to a point where the same is coincident with the center line of Eunice street; thence westerly along the center line of Eunice street to the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Adeline street; thence southerly along the center line of Adeline street to the northerly boundary line of the town of Emeryville; thence easterly, southerly and westerly following the boundary line of the town of Emeryville to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the northern boundary line of Alameda township; thence easterly along the northern boundary line of Alameda township to the westerly line of Brooklyn township, the same being a point in Oakland harbor; thence northerly along the westerly boundary line of Brooklyn township, passing through the easterly arm of Lake Merritt and up Indian Gulch to the northeasterly boundary line of East Oakland Heights; thence southeasterly along last said boundary line to the center line of Thirteenth avenue; thence northeasterly along the center line of Thirteenth avenue, or County Road to Moraga Valley, to the southeastern corner of the city of Piedmont; thence northerly and westerly following the easterly and northerly boundary lines of the city of Piedmont to the line dividing Brooklyn and Oakland townships; thence northeasterly along the last said township line to the boundary line of Alameda County; thence northwesterly along the county boundary line to the point of beginning, shall constitute the Fifteenth Senatorial District.

16. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the northerly boundary line of the city of Berkeley intersects the northeasterly boundary line of the county of Alameda; thence westerly along said northern boundary line of the city of Berkeley to a point where the same is coincident with the center line of Eunice street; thence westerly along the center line of Eunice street to the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Adeline street; thence southerly along the center line of Adeline street to the northerly boundary line of the town of Emeryville; thence easterly, southerly and westerly, following the boundary line of the town of Emeryville to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the northern boundary line of Alameda township; thence westerly along the line dividing Alameda and Oakland townships to the western boundary line of the county of Alameda; thence northerly along the said county boundary line to the northern boundary line of the county of Alameda; thence easterly following the northern boundary line of the county of Alameda to the point of beginning, shall constitute the Sixteenth Senatorial District.

17. The counties of Kings, Monterey and San Luis Obispo shall constitute the Seventeenth Senatorial District.

18. All that portion of the city and county of San Francisco described as follows: Commencing at the point of intersection of Van Ness avenue and Market street, continuing thence along the center line of the following named streets, to wit: Market to the waters of the bay of San Francisco; thence along the shore line northerly to Filbert street, Filbert to Leavenworth, Leavenworth to Broadway, Broadway to Van Ness avenue, Van Ness avenue to Market street, the place of beginning, together with all the waters of the bay of San Francisco and the islands contained therein, situated within the boundaries of the city and county of San Francisco, shall constitute the Eighteenth Senatorial District.

19. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Maple and California streets, continuing thence along the center line of the following named streets: California to Baker, Baker to Pine, Pine to Laguna, Laguna to Sutter, Sutter street to Van Ness avenue, Van Ness avenue to Broadway, Broadway to Leavenworth, Leavenworth to Filbert, Filbert to the waters of the bay of San Francisco; thence along the shore line of said bay northerly and westerly to the waters of the Pacific Ocean; thence along said shore line to Lobos Creek where the same enters into the Pacific Ocean; thence along the line of said creek and the southerly boundary line of the Presidio Reservation to Maple street, Maple to California, the place of beginning, shall constitute the Nineteenth Senatorial District.

20. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Pine and Laguna streets, continuing thence along the center line of the following named streets: Laguna to O'Farrell, O'Farrell street to St. Joseph avenue, St. Joseph avenue to Turk, Turk to Baker, Baker to Oak street, Oak street to Central avenue, Central avenue to Buena Vista avenue, Buena Vista avenue to Frederick street, Frederick to Clayton, Clayton street to Clarendon avenue, Clarendon avenue to Burnett avenue, Burnett avenue to Palo Alto avenue, Palo Alto avenue to the easterly line of the San Miguel Rancho; thence along said line northerly to a point opposite Seventeenth street; thence along said line of Seven-

teenth street, if extended, to Kirkham street, Kirkham street to Locksley avenue, Locksley avenue to the westerly line of San Miguel Rancho; thence along said line to Corbett avenue and Sloat boulevard; thence along said line of the Sloat boulevard to the waters of the Pacific Ocean; thence along the shore line of said ocean northerly and easterly to Lobos Creek; thence along the line of said creek and the southerly boundary of the Presidio Reservation to Maple street, Maple to California, California to Baker, Baker to Pine, Pine to Laguna, the place of beginning, together with the islands known as the Farallon Islands, shall constitute the Twentieth Senatorial District.

21. All that portion of the city and county of San Francisco constituting the Thirty-third and Thirty-fourth Assembly Districts, as designated and constituted by section ninety of this code, and the following described portion of the city and county of San Francisco, to wit: Commencing at the point of intersection of the center line of Bryant avenue with the center line of Twenty-first street; thence along the center line of the following named streets, to wit: Bryant avenue to Army street, Army street to Connecticut street, Connecticut street to Twentieth street, Twentieth street to Bryant avenue, Bryant avenue to the point of beginning, shall constitute the Twenty-first Senatorial District.

22. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Twenty-first street and Bryant avenue, continuing thence along the center line of the following named streets; Bryant avenue to Eleventh street, Eleventh to Market, Market street to Van Ness avenue, Van Ness avenue to Sutter street, Sutter street to Laguna, Laguna to O'Farrell, O'Farrell street to St. Joseph avenue, St. Joseph avenue to Turk street, Turk to Baker, Baker to Oak, Oak to Fillmore, Fillmore to Duboce avenue, Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to San Carlos street, San Carlos street to Eighteenth street, Eighteenth street to Shotwell street, Shotwell street to Twenty-first street, Twenty-first street to Bryant avenue, the place of beginning, shall constitute the Twenty-second Senatorial District.

23. All that portion of the city and county of San Francisco consisting of the Twenty-ninth Assembly District, as designated and constituted by section ninety of this Code, and the following described portion of the city and county of San Francisco: Commencing at the point of intersection of the center line of Twentieth street with the center line of Connecticut street; thence along the center line of the following named streets, to wit: Connecticut street to Army street, Army street to San Bruno avenue; San Bruno avenue to the boundary line between the city and county of San Francisco and the county of San Mateo; thence easterly along said boundary line to the shore line of the bay of San Francisco; thence northerly along said shore line to its intersection with the center line of Twentieth street; thence along the center line of Twentieth street to the point of beginning, shall constitute the Twenty-third Senatorial District.

24. All that portion of the city and county of San Francisco embraced within and comprising the Thirty-first and Thirty-second Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Twenty-fourth Senatorial District.

25. The counties of Ventura and Santa Barbara shall constitute the Twenty-fifth Senatorial District.

26. The county of Fresno shall constitute the Twenty-sixth Senatorial District.

27. All that portion of the county of Santa Clara not included in the Twenty-eighth Senatorial District, as designated and constituted by this section, shall constitute the Twenty-seventh Senatorial District.

28. All that portion of the county of Santa Clara embraced within the following precincts, as constituted at the general election in nineteen hundred ten, to wit: Agnew's, that part of Alameda precinct lying north of the center line of Park avenue, Alviso, Berryessa, Burbank, that part of Crandalville precinct number one lying outside of the city limits of the city of San Jose, as established in 1911, Cupertino, East San Jose number two, Fremont, Jefferson, Mayfield, Milpitas numbers one and two, Mountain View numbers one and two, Mount Hamilton, Orchard, Palo Alto numbers one, two, three, four and five, Purissima, San Jose numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve, Santa Clara numbers one, two, three and four, Saratoga, Stanford, Stockton, Sunnyvale numbers one and two, and University numbers one and two, shall constitute the Twenty-eighth Senatorial District.

29. All that portion of the county of Los Angeles embraced within and comprising the Sixty-fourth and Sixty-fifth Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Twenty-ninth Senatorial District.

30. The counties of San Bernardino, Inyo and Mono shall constitute the Thirtieth Senatorial District.

31. All that portion of the county of Los Angeles embraced within and comprising the Seventy-first and Seventy-second Assembly Districts, as designated and constituted by section ninety of this code, shall constitute the Thirty-first Senatorial District.

32. The counties of Tulare and Kern shall constitute the Thirty-second Senatorial District.

33. All that portion of the county of Los Angeles embraced within and comprising

the Sixty-eighth and Seventieth Assembly Districts, as designated and constituted by section ninety of this code, shall constitute the Thirty-third Senatorial District.

34. All that portion of the county of Los Angeles embraced within and comprising the Fifty-ninth and Sixtieth Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Thirty-fourth Senatorial District.

35. All that portion of the county of Los Angeles embraced within and comprising the Sixty-sixth and Sixty-ninth Assembly Districts, as designated by section ninety of this code, shall constitute the Thirty-fifth Senatorial District.

36. All that portion of the county of Los Angeles embraced within and comprising the Fifty-eighth and Sixty-seventh Assembly Districts, as designated and constituted by section ninety of this code, shall constitute the Thirty-sixth Senatorial District.

37. All that portion of the county of Los Angeles embraced within and comprising the Sixty-first and Sixty-second Assembly Districts, as designated and constituted by section ninety of this code, shall constitute the Thirty-seventh Senatorial District.

38. All that portion of the county of Los Angeles embraced within and comprising the Sixty-third and Seventy-third Assembly Districts, as designated and constituted by section ninety of this code, shall constitute the Thirty-eighth Senatorial District.

39. The counties of Riverside, Orange and Imperial shall constitute the Thirty-ninth Senatorial District.

40. The county of San Diego shall constitute the Fortieth Senatorial District.

SEC. 2. Section ninety of the Political Code is hereby amended to read as follows:

90. The State is divided into eighty Assembly districts, which shall be designated and constituted as follows:

1. The counties of Del Norte, Siskiyou and Trinity shall constitute the First Assembly District.

2. The county of Humboldt shall constitute the Second Assembly District.

3. The counties of Lassen, Modoc and Shasta shall constitute the Third Assembly District.

4. The county of Mendocino shall constitute the Fourth Assembly District.

5. The counties of Tehama, Glenn and Colusa shall constitute the Fifth Assembly District.

6. The county of Butte shall constitute the Sixth Assembly District.

7. The counties of Nevada, Plumas and Sierra shall constitute the Seventh Assembly District.

8. The counties of Yuba, Sutter and Yolo shall constitute the Eighth Assembly District.

9. The counties of Lake and Napa shall constitute the Ninth Assembly District.

10. All that portion of the county of Sonoma comprising the townships of Anity, Bodega, Mendocino, Ocean, Petaluma, Redwood, Salt Point and Vallejo shall constitute the Tenth Assembly District.

11. All that portion of the county of Sonoma not included in the Tenth Assembly District, as designated and constituted by this section, shall constitute the Eleventh Assembly District.

12. The county of Solano shall constitute the Twelfth Assembly District.

13. All that portion of the county of Sacramento composed of that part of the city of Sacramento lying north of the center of "K" street, west of the center line of Thirty-first street, and all that portion of Sacramento County lying in the fourth supervisor district (as shown on the official map of 1911) with the exception of that portion of said supervisor district lying west of the lower Stockton road, shall constitute the Thirteenth Assembly District.

14. All that portion of the county of Sacramento not included in the Thirteenth Assembly District, as designated and constituted by this section, shall constitute the Fourteenth Assembly District.

15. The counties of Placer, El Dorado and Alpine shall constitute the Fifteenth Assembly District.

16. The counties of Amador, Calaveras, Mono and Tuolumne shall constitute the Sixteenth Assembly District.

17. All that portion of the county of San Joaquin comprising the city of Stockton shall constitute the Seventeenth Assembly District.

18. All that portion of the county of San Joaquin not included in the Seventeenth Assembly District, as designated and constituted by this section, shall constitute the Eighteenth Assembly District.

19. The county of Contra Costa shall constitute the Nineteenth Assembly District.

20. The county of Marin shall constitute the Twentieth Assembly District.

21. All that portion of the county of Alameda lying easterly of a line described as follows: Beginning at a point where the boundary line between Eden and Alameda townships intersects the westerly boundary line of Alameda county; thence easterly and northerly along the boundary line of Alameda township to the line dividing Brooklyn and Eden townships; thence easterly along the boundary line between Brooklyn and Brooklyn townships to the southwesterly boundary line of the town of San Leandro; thence northerly and easterly along said boundary line to the center of East Fourteenth street; thence northwesterly following along the center line of East Fourteenth street to the center line of Moss avenue, in the city of Oakland; thence northeasterly along the center line of Moss avenue and a direct extension of

said center line to the northeasterly boundary line of the city of Oakland; thence following the said northeasterly boundary line of the city of Oakland in a northwesterly direction to its intersection with the northeasterly boundary line of the county of Alameda, shall constitute the Twenty-first Assembly District.

22. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the boundary line between Eden and Alameda townships intersects the westerly boundary line of the county of Alameda; thence in an easterly and northerly direction along the boundary line of Alameda township to the line dividing Brooklyn and Eden townships; thence in an easterly direction along the boundary line between Eden and Brooklyn townships to the southeasterly boundary line of the town of San Leandro; thence northerly and easterly following the said town line to the center line of East Fourteenth street; thence northwesterly following the center line of East Fourteenth street and an extension of the same to its intersection with the line dividing Brooklyn and Oakland townships, said point being in Lake Merritt; thence southwesterly along said township line to its intersection with the northerly boundary line of Alameda township; thence westerly following along the said northerly boundary line of Alameda township to its intersection with the westerly boundary line of Alameda County; thence southeasterly along said county boundary line to the point of beginning, shall constitute the Twenty-second Assembly District.

23. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Thirteenth avenue is intersected by the center line of East Fourteenth street, in the city of Oakland; thence northwesterly along the center line of East Fourteenth street and an extension of said center line to a point where the same intersects the westerly boundary line of Brooklyn township, in Lake Merritt; thence northeasterly following along the boundary line between Brooklyn and Oakland townships to the southerly boundary line of the city of Piedmont; thence easterly, northerly and westerly following the said boundary line of the city of Piedmont to the line dividing Oakland and Brooklyn townships; thence northeasterly along said dividing line between Oakland and Brooklyn townships to its intersection with the northeasterly boundary line of the city of Oakland; thence southeasterly following said city boundary line to a point where the same would be intersected by a direct extension northeasterly of the center line of Moss avenue; thence southwesterly along said extension and along the center line of Moss avenue to the center line of East Fourteenth street; thence northwesterly along the center line of East Fourteenth street to the center line of Thirteenth avenue, and the point of beginning, shall constitute the Twenty-third Assembly District.

24. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Broadway is intersected by the center line of Thirteenth street, in the city of Oakland; thence southeasterly along the center line of Thirteenth street and a direct extension of said center line to its intersection with the line dividing Brooklyn and Oakland townships; thence northeasterly following along the line dividing Brooklyn and Oakland townships to a point in the southerly boundary line of the city of Piedmont; thence easterly, northerly and westerly, following the southern, eastern and northern boundary line of the city of Piedmont to its intersection with the easterly boundary of the city of Oakland, as the same existed prior to the annex of 1909; thence northwesterly along the easterly boundary line of the city of Oakland, as the same existed prior to the annex of 1909, to its intersection with the center line of Broadway; thence southerly along the center line of Broadway to the center line of Fifty-first, or Vernon street; thence westerly following along the center line of Fifty-first street to the center line of Shattuck avenue; thence southerly along the center line of Shattuck avenue to the center line of Temescal Creek; thence westerly down the center of Temescal Creek to the center of Grove street; thence southerly along the center of Grove street to the center of San Pablo avenue; thence southerly along the center of San Pablo avenue to the center of Broadway; thence southerly along the center of Broadway to the center of Thirteenth street, and point of beginning, shall constitute the Twenty-fourth Assembly District.

25. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Adeline street is intersected by the center line of Twenty-second street, in the city of Oakland; thence easterly along the center line of Twenty-second street to the center line of Grove street; thence southerly along the center line of Grove street to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the center line of Thirteenth street and a direct extension of said center line to its intersection with the line dividing Brooklyn and Oakland townships; thence southerly along the line dividing Oakland and Brooklyn townships to the line dividing Oakland and Alameda townships; thence westerly along the line dividing Oakland and Alameda townships to a point where a direct extension of the center line of Adeline street would intersect the same; thence northerly along said extension and along the center line of Adeline street to the point of beginning, shall constitute the Twenty-fifth Assembly District.

26. All that portion of the county of Alameda described as follows, to wit:

Beginning at a point where the center line of Adeline street is intersected by the center line of Twenty-second street, in the city of Oakland; thence easterly along the center line of Twenty-second street to the center line of Grove street; thence northerly along the center line of Grove street to the center of Temescal Creek; thence westerly down the center of Temescal Creek to the town of Emeryville; thence westerly and northerly following the boundary line of the town of Emeryville to the southerly boundary line of the city of Berkeley; thence westerly along the southerly boundary line of the city of Berkeley and a direct extension of the same to its intersection with the westerly boundary line of Alameda County; thence southerly along the westerly boundary line of Alameda County to its intersection with the line dividing Oakland and Alameda townships; thence easterly along the line dividing Oakland and Alameda townships to a point where a direct extension of the center line of Adeline street would intersect the same; thence northerly along said extension and along the center line of Adeline street to the center line of Twenty-second street, and the point of beginning, shall constitute the Twenty-sixth Assembly District.

27. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the easterly boundary line of the town of Emeryville is intersected by the southerly boundary line of the city of Berkeley; thence southerly and easterly along the boundary line of the town of Emeryville to a corner thereof, the same being in the center of Temescal Creek; thence up the center of Temescal Creek to the center of Shattuck avenue; thence northerly along the center line of Shattuck avenue to the center line of Russell street; thence westerly along the center line of Russell street to the center line of Milvia street; thence northerly along the center line of Milvia street to the center line of Codornices Creek; thence westerly down the center of Codornices Creek to the easterly boundary line of the town of Albany; thence northerly along the easterly line of the town of Albany to the northern boundary of the county of Alameda; thence westerly and southerly along the northern and western boundary line of the county of Alameda to a point where said boundary line would be intersected by a direct extension westerly of the southerly boundary line of the city of Berkeley; thence easterly along said extension and along the southerly boundary line of the city of Berkeley to the point of beginning, shall constitute the Twenty-seventh Assembly District.

28. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Shattuck avenue is intersected by the center line of Fifty-first, or Vernon street, in the city of Oakland; thence easterly along the center line of Fifty-first, or Vernon street, to the center line of Broadway; thence northeasterly along the center line of Broadway to its intersection with the northeasterly boundary line of the city of Oakland, as the same existed prior to the annex of 1909; thence southeasterly along said boundary line of the city of Oakland, as the same existed prior to the annex of 1909, to its intersection with the northerly boundary line of the city of Piedmont; thence easterly following the northern boundary line of the city of Piedmont to its intersection with the boundary line dividing Brooklyn and Oakland townships; thence northeasterly along the line dividing Brooklyn and Oakland townships to its intersection with the northeasterly boundary line of Alameda County; thence northwesterly and westerly following along the county boundary line to its intersection with the easterly boundary line of the town of Albany; thence southerly along the easterly boundary line of the town of Albany to its intersection with the center line of Codornices Creek; thence easterly up the center of Codornices Creek to its intersection with the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Russell street; thence easterly along the center line of Russell street to the center line of Shattuck avenue; thence southerly along the center line of Shattuck avenue to the center line of Fifty-first, or Vernon street, and the point of beginning, shall constitute the Twenty-eighth Assembly District.

29. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Market street with the center line of Eleventh street; thence along the center line of the following named streets, to wit: Eleventh street to Bryant avenue, Bryant avenue to Twentieth street, Twentieth street to the bay of San Francisco; thence northerly along the shore line of said bay to its intersection with the center line of Market street; thence along the center line of Market street to the point of beginning, shall constitute the Twenty-ninth Assembly District.

30. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Twentieth street with the center line of Bryant avenue; thence along the center line of the following named streets, to wit: Bryant avenue to Army street, Army street to San Bruno avenue, San Bruno avenue to the boundary line between the city and county of San Francisco and the county of San Mateo; thence easterly along said boundary line to the bay of San Francisco; thence northerly along the shore line of the bay of San Francisco to its intersection with the center line of Twentieth street; thence along the center line of Twentieth street to the point of beginning, shall constitute the Thirtieth Assembly District.

31. All that portion of the city and county of San Francisco bounded as fol-

lows: Commencing at the point of intersection of Dolores and Twenty-ninth streets; continuing thence along the center line of the following named streets, to wit: Twenty-ninth to Mission, Mission to Army, Army to San Bruno avenue, San Bruno avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo; thence along said boundary line westerly to San Jose avenue, San Jose avenue to Dolores street, Dolores street to Twenty-ninth street, the place of beginning, shall constitute the Thirty-first Assembly District.

32. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Twenty-second and Dolores streets; continuing thence along the center line of the following named streets: Dolores street to San Jose avenue, San Jose avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo; thence along said boundary line westerly to the intersection of the waters of the Pacific Ocean; thence along the shore line of said ocean northerly to the Sloat boulevard; thence along Sloat boulevard to Corbett avenue, Corbett avenue to Burnett avenue, Burnett avenue to Dixie alley, Dixie alley to Grand View avenue, Grand View avenue to Twenty-second street, Twenty-second to Dolores street, the place of beginning, shall constitute the Thirty-second Assembly District.

33. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Twenty-first street with the center line of Dolores street; thence along the center line of the following named streets, to wit: Twenty-first street to San Carlos street, San Carlos street to Eighteenth street, Eighteenth street to Shotwell street, Shotwell street to Twenty-first street, Twenty-first street to Bryant avenue, Bryant avenue to Army street, Army street to Mission street, Mission street to Twenty-ninth street, Twenty-ninth street to Dolores street, Dolores street to point of beginning, shall constitute the Thirty-third Assembly District.

34. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Oak and Fillmore streets; continuing thence along the center line of the following named streets: Fillmore street to Duboce avenue, Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to Dolores street, Dolores street to Twenty-second street, Twenty-second street to Grand View avenue, Grand View avenue to Dixie alley, Dixie alley to Burnett avenue, Burnett avenue to Corbett avenue, Corbett avenue to the westerly boundary line of the San Miguel Rancho; thence along the line of said San Miguel Rancho northeasterly to Locksley avenue, Locksley avenue to Kirkham street; thence along the line of Kirkham street, if extended, easterly to a point in the easterly boundary line of the San Miguel Rancho opposite Seventeenth street; thence along said line southerly to Palo Alto avenue, Palo Alto avenue to Burnett avenue, Burnett avenue to Clarendon avenue, Clarendon avenue to Clayton street, Clayton street to Frederick street, Frederick street to Buena Vista avenue, Buena Vista avenue to Central avenue, Central avenue to Oak street, Oak street to Fillmore street, the place of beginning, shall constitute the Thirty-fourth Assembly District.

35. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Turk and Baker streets, continuing thence along the center of the following named streets: Baker to Oak street, Oak street to Central avenue, Central avenue to Buena Vista avenue, Buena Vista avenue to Frederick street, Frederick street to Clayton, Clayton street to Clarendon avenue, Clarendon avenue to Burnett avenue, Burnett avenue to Palo Alto avenue, Palo Alto avenue to the easterly boundary line of San Miguel Rancho; thence along said line northerly to a point opposite Seventeenth street; thence westerly along Seventeenth street, if extended, to Kirkham street, Kirkham street to Locksley avenue, Locksley avenue to the westerly line of San Miguel Rancho; thence along said line to the Sloat boulevard, Sloat boulevard to the intersection of the waters of the Pacific Ocean; thence along said shore line northerly to Fulton street, Fulton street to Masonic avenue, Masonic avenue to Turk street, Turk to Baker street, the place of beginning, shall constitute the Thirty-fifth Assembly District.

36. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Fulton street and Masonic avenue; thence continuing along the center of the following named streets: Masonic avenue to Turk street, Turk street to St. Joseph avenue, St. Joseph avenue to Geary street, Geary to Baker, Baker to California, California to Laurel, Laurel street to the southerly boundary line of the Presidio Reservation; thence along said boundary line westerly to Lobos Creek; thence along the line of said creek to where it empties into the waters of the Pacific Ocean; thence along the ocean shore line of Pacific Ocean westerly and southerly to Fulton street, Fulton street to Masonic avenue, the place of beginning, together with the islands known as the Farallon Islands, shall constitute the Thirty-sixth Assembly District.

37. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Market street with the center line of Eleventh street; thence along the center line of the following named streets, to wit: Market street to Van Ness avenue, Van Ness avenue to Oak street, Oak street to Fillmore street, Fillmore street to Duboce avenue, Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to San Carlos street, San Carlos street to Eighteenth street, Eighteenth street to Shotwell street,

Shotwell street to Twenty-first street, Twenty-first street to Bryant avenue, Bryant avenue to Eleventh street, Eleventh street to the point of beginning, shall constitute the Thirty-seventh Assembly District.

38. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Ellis street and Van Ness avenue; continuing thence along the center line of the following named streets: Van Ness avenue to Oak street, Oak to Baker, Baker to Turk, Turk street to St. Joseph avenue, St. Joseph avenue to Ellis street, Ellis street to Van Ness avenue, the place of beginning, shall constitute the Thirty-eighth Assembly District.

39. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Washington street and Van Ness avenue; continuing thence along the center line of the following named streets: Van Ness avenue to Ellis street, Ellis street to St. Joseph avenue, St. Joseph avenue to Geary street, Geary to Baker, Baker to Washington, Washington street and the extension of Washington street across Alta Plaza to Van Ness avenue, the place of beginning, shall constitute the Thirty-ninth Assembly District.

40. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Washington street and Van Ness avenue; continuing thence along the center line of the following named streets: Van Ness avenue to Green, Green to Hyde, Hyde to the waters of the bay of San Francisco; thence westerly and southerly along the shore line of the bay of San Francisco and the Pacific Ocean to the point where Lobos Creek empties into the waters of said ocean; thence along the line of Lobos Creek to the southerly boundary line of the Presidio Reservation; thence along said boundary line to Laurel street, Laurel to California, California to Baker, Baker to Washington, Washington street and the extension of Washington street across Alta Plaza to Van Ness avenue, the place of beginning, shall constitute the Fortieth Assembly District.

41. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Market street and Van Ness avenue; continuing thence along the center line of the following named streets: Van Ness to Green, Green to Mason, Mason to Ellis, Ellis to Jones, Jones to Market, Market to Van Ness avenue, the place of beginning, shall constitute the Forty-first Assembly District.

42. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Market and Jones streets; continuing thence along the center line of the following named streets: Jones to Ellis, Ellis to Mason, Mason to Green, Green to Hyde, Hyde to the waters of the bay of San Francisco; thence easterly along the shore line of said bay to Market street, Market to Jones, the place of beginning, together with all the waters of the bay of San Francisco, and the islands contained therein, situated within the boundaries of the city and county of San Francisco, shall constitute the Forty-second Assembly District.

43. The county of San Mateo shall constitute the Forty-third Assembly District.

44. The county of Santa Cruz shall constitute the Forty-fourth Assembly District.

45. All that portion of the county of Santa Clara, not included in the Forty-sixth Assembly District, as designated and constituted by this section, shall constitute the Forty-fifth Assembly District.

46. All that portion of the county of Santa Clara embraced within the following precincts, as constituted at the general election in nineteen hundred ten, to wit: Agnew's, that part of Alameda precinct lying north of the center line of Park avenue, Alviso, Berryessa, Burbank, that part of Candalville precinct number one lying outside of the city limits of the city of San Jose, as established in 1911, Cupertino, East San Jose number two, Fremont, Jefferson, Mayfield, Milpitas numbers one and two, Mountain View numbers one and two, Mount Hamilton, Orchard, Palo Alto numbers one, two, three, four and five, Purissima, San Jose numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve, Santa Clara numbers one, two, three and four, Saratoga, Stanford, Stockton, Sunnyvale numbers one and two, and University numbers one and two, shall constitute the Forty-sixth Assembly District.

47. The county of Stanislaus shall constitute the Forty-seventh Assembly District.

48. The counties of Mariposa, Merced and Madera shall constitute the Forty-eighth Assembly District.

49. The counties of San Benito and Monterey shall constitute the Forty-ninth Assembly District.

50. All that portion of the county of Fresno, which was on November 1, 1911, embraced within the boundaries of the Sixtieth Assembly District, shall constitute the Fiftieth Assembly District.

51. All that portion of the county of Fresno, which was on November 1, 1911, embraced within the boundaries of the Sixty-first Assembly District, shall constitute the Fifty-first Assembly District.

52. The county of Kings shall constitute the Fifty-second Assembly District.

53. The counties of Tulare and Inyo shall constitute the Fifty-third Assembly District.

54. The county of San Luis Obispo shall constitute the Fifty-fourth Assembly District.

55. The county of Kern shall constitute the Fifty-fifth Assembly District.

56. The county of Santa Barbara shall constitute the Fifty-sixth Assembly District.

57. The county of Ventura shall constitute the Fifty-seventh Assembly District.

58. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: La Liebre, Del Sur, Lancaster, Palmdale, Acton, Newhall, San Fernando, Chatsworth, Calabasas, Lankershim, La Cañada, Sunland, Burbank, Glendale City, Eagle Rock, Anandale, Hermon, that part of Ivanhoe and of Tropic numbers one and two not included within the city of Los Angeles, as the boundaries of said city existed November 1, 1911, Los Angeles City precincts numbers one, two, three, four, six, seven, eight and nine, that portion of Los Angeles City precincts numbers five, thirteen and fourteen lying westerly of the center line of Griffin avenue, and the prolongation of said center line of Griffin avenue to the north patent boundary line of the city of Los Angeles, and that part of Los Angeles City precinct number eleven lying west of the center line of Daly street, shall constitute the Fifty-eighth Assembly District.

59. All that portion of the county of Los Angeles included within and comprising the following election precincts of nineteen hundred ten, to wit: Redondo Beach City numbers one and two, Hermosa Beach City, Wiseburn, Inglewood City, Freeman, Del Rey, Ocean Park City numbers one, two and three, Moneta, Howard, Ballona, Cienega, Santa Monica City numbers one, two, three, four, five, six, seven, eight and nine, Malibu, National Military Home numbers one, two, three, four, five and six, Sawtelle City numbers one, two and three, and Sherman, shall constitute the Fifty-ninth Assembly District.

60. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Cahuenga, Hollywood City numbers one and two, those parts of Ivanhoe and of Tropic numbers one and two, which were annexed to the city of Los Angeles prior to November 1, 1911, and Los Angeles City precincts numbers twenty-six, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, one hundred fifty-eight, one hundred fifty-nine, one hundred sixty, one hundred sixty-one, one hundred sixty-two, one hundred sixty-three, one hundred sixty-four, one hundred sixty-five, one hundred sixty-six and one hundred sixty-seven, shall constitute the Sixtieth Assembly District.

61. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City precincts numbers twenty-eight, twenty-nine, thirty-seven, forty, forty-one, forty-two, forty-three, forty-five, forty-six, forty-seven, fifty, fifty-one, fifty-three, fifty-four, that part of Los Angeles City precincts numbers thirty-eight, thirty-nine and forty-four lying westerly of the center line of Hill street, that part of Los Angeles City precinct number forty-eight lying easterly of the center line of Alvarado street, and that part of Los Angeles City precinct number fifty-five lying northerly of the center line of Fifth street from Fremont avenue to Boylston street, shall constitute the Sixty-first Assembly District.

62. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City precincts numbers fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, one hundred twenty-one, one hundred twenty-two, one hundred twenty-three, one hundred twenty-nine, one hundred thirty-seven, one hundred thirty-eight, one hundred forty-one, one hundred forty-two, one hundred forty-five, one hundred fifty, one hundred fifty-two, that part of Los Angeles City precinct number forty-eight lying westerly of the center line of Alvarado street, and that part of Los Angeles City precinct number fifty-five lying south of the center line of Fifth street from Fremont avenue to Boylston street, shall constitute the Sixty-second Assembly District.

63. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City precincts numbers one hundred twenty-four, one hundred twenty-five, one hundred twenty-six, one hundred thirty, one hundred thirty-one, one hundred thirty-two, one hundred thirty-three, one hundred thirty-four, one hundred thirty-five, one hundred thirty-nine, one hundred forty, one hundred forty-three, one hundred forty-four, one hundred forty-six, one hundred forty-seven, one hundred forty-eight, one hundred forty-nine, one hundred fifty-one, one hundred fifty-three, one hundred fifty-four, one hundred fifty-five, one hundred fifty-six, that part of Los Angeles City precincts numbers one hundred thirty-six and one hundred fifty-seven lying north of the center line of Jefferson street, that part of Los Angeles City precinct number one hundred twenty-seven lying west of the center line of Maple avenue, that part of Los Angeles City precinct number one hundred twenty-eight lying west of the center line of Maple avenue and north of the center line of Jefferson street and that part of Los Angeles City precincts number one hundred seventy-seven, bounded by the west patent boundary line of the city of Los Angeles, the center line of Hoover street (formerly Kingsley street) and the center line of West Jefferson street, shall constitute the Sixty-third Assembly District.

64. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City precincts numbers seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-seven, thirty-six, forty-nine, fifty-two, eighty-one, eighty-three, eighty-eight, eighty-nine, one hundred twelve, one hundred nineteen, one hundred twenty, that part of Los Angeles City precincts numbers thirty-eight, thirty-nine and forty-four lying easterly of the center line of Hill street, that part of Los Angeles City precinct number eighty-two lying north of the center line of Seventh street and west of the following described line, beginning at the intersection of the center line of First street with the center line of Pecan street, thence southerly along the center line of Pecan street to the center line of Fifth street; thence westerly along the center line of Fifth street to the center line of Gless street; thence southerly along the center line of Gless street to the center line of Sixth street; thence westerly along the center line of Sixth street to the center line of Clarence street (from the south); thence southerly along the center line of Clarence street to the center line of Sunrise street; thence westerly along the center line of Sunrise street to the center line of Utah street; thence southerly along the center line of Utah street to the center line of Seventh street, and that part of Los Angeles City precinct number eighty-four lying north of the center line of Sixth street and its prolongation easterly to the easterly boundary of said precinct, shall constitute the Sixty-fourth Assembly District.

65. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City precincts numbers eighty-five, eighty-six, eighty-seven, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-six, ninety-seven, one hundred, one hundred one, one hundred two, one hundred three, one hundred four, one hundred five, one hundred six, one hundred seven, one hundred thirteen, one hundred fourteen, one hundred fifteen, one hundred sixteen, one hundred seventeen, that part of Los Angeles City precinct number eighty-four lying south of the center line of Sixth street and its prolongation easterly to the easterly boundary line of said precinct, that part of Los Angeles City precinct number ninety-five lying north of the center line of Twenty-first street and west of the center line of Compton avenue, and those parts of Los Angeles City precincts numbers ninety-eight, one hundred eight and one hundred eighteen lying north of the center line of Twenty-first street, shall constitute the Sixty-fifth Assembly District.

66. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City precincts numbers ten, twelve, fifteen, sixteen, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, that part of Los Angeles City precincts numbers five, thirteen and fourteen lying easterly of the center line of Griffin avenue, and the prolongation of said center line of Griffin avenue to the north patent boundary line of the city of Los Angeles, that part of Los Angeles City precinct number eleven lying east of the center line of Daly street, and that part of Los Angeles City precinct number eighty-two lying south of the center line of Seventh street, also that part of said precinct lying east of the following described line: Beginning at the intersection of the center line of First street with the center line of Pecan street, thence southerly along the center line of Pecan street to the center line of Fifth street; thence westerly along the center line of Fifth street to the center line of Gless street; thence southerly along the center line of Gless street to the center line of Sixth street; thence westerly along the center line of Sixth street to the center line of Clarence street (from the south); thence southerly along the center line of Clarence street to the center of Sunrise street; thence westerly along the center line of Sunrise street to the center line of Utah street; thence southerly along the center line of Utah street to the center line of Seventh street, shall constitute the Sixty-sixth Assembly District.

67. All that portion of the county of Los Angeles included within and comprising the following election precincts of nineteen hundred ten, to wit: Pasadena City numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and Altadena, shall constitute the Sixty-seventh Assembly District.

68. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Claremont City, La Verne, Lordsburg City, San Dimas, Pomona City numbers one, two, three, four, five and six, Spadra, Azusa, Azusa City, Glendora, Covina, Covina City, Rowland, Rivera, Los Nietos, Whittier City numbers one, two, three and four, and that part of El Monte precinct lying south of the westerly prolongation of the south line of Santa Anita precinct and east of the line dividing ranges eleven and twelve west, in township one south, San Bernardino base and meridian, shall constitute the Sixty-eighth Assembly District.

69. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred

ten, to wit: Monrovia City numbers one, two and three, Duarte, Arcadia City numbers one and two, Sierra Madre City, Lamanda numbers one and two, Santa Anita, San Gabriel, Alhambra City numbers one, two and three, South Pasadena City numbers one, two and three, Baird, Belvidere numbers one and two, Montebello, Laguna, Fruitland, Vernon City, Huntington Park City numbers one and two, that part of the precincts of Miramonte and Florence lying east of the center line of the right of way of the Long Beach line of the Pacific Electric Railway Company, and that part of the precinct of El Monte lying north of the westerly prolongation of the southerly line of Santa Anita precinct and also that part of said precinct of El Monte lying west of the line dividing ranges eleven and twelve west, in township one south, San Bernardino base and meridian, shall constitute the Sixty-ninth Assembly District.

70. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Long Beach City numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, and nineteen, Naples, Alamitos, Cerritos, Artesia, Norwalk, La Mirada, East Whittier, Downey numbers one and two, Clearwater, Willowbrook, Dominguez, Watts City, Compton City, and that part of Wilmington precinct which was annexed to the city of Long Beach prior to November 1, 1911, shall constitute the Seventieth Assembly District.

71. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Catalina, Lomita, Green Meadows, Gardena numbers one and two, all of Wilmington precinct, except the part which was prior to November 1, 1911, annexed to the city of Long Beach, that part of the precincts of Miramonte and Florence lying west of the center line of the right of way of the Long Beach line of the Pacific Electric Railway Company, and Los Angeles City precincts numbers one hundred ninety-two, one hundred ninety-three, one hundred ninety-four, one hundred ninety-seven, one hundred ninety-eight, one hundred ninety-nine, two hundred, two hundred four, two hundred five, two hundred six, two hundred seven, two hundred eight, two hundred eleven, two hundred thirteen, two hundred eighteen, two hundred nineteen, two hundred twenty-three, two hundred twenty-four, two hundred twenty-five, two hundred twenty-six, two hundred twenty-seven, two hundred twenty-eight, two hundred twenty-nine and two hundred thirty, shall constitute the Seventy-first Assembly District.

72. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City numbers one hundred sixty-eight, one hundred sixty-nine, one hundred seventy, one hundred seventy-one, one hundred seventy-two, one hundred seventy-three, one hundred seventy four, one hundred seventy-five, one hundred seventy-six, one hundred seventy-eight, one hundred seventy-nine, one hundred eighty, one hundred eighty-one, one hundred eighty-two, one hundred eighty-three, one hundred eighty-four, one hundred eighty-five, one hundred eighty-six, one hundred eighty-seven, one hundred eighty-eight, one hundred eighty-nine, one hundred ninety, one hundred ninety-one, that part of Los Angeles City precinct number one hundred fifty-seven lying south of the center line of Jefferson street, and all of Los Angeles City precinct number one hundred seventy-seven, except that portion thereof bounded by the west patent boundary line of the city of Los Angeles, the center line of Hoover street (formerly Kingsley street) and the center line of West Jefferson street, shall constitute the Seventy-second Assembly District.

73. All that portion of the county of Los Angeles including within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City numbers ninety-nine, one hundred nine, one hundred ten, one hundred eleven, one hundred ninety-five, one hundred ninety-six, two hundred one, two hundred two, two hundred three, two hundred nine, two hundred ten, two hundred twelve, two hundred fourteen, two hundred fifteen, two hundred sixteen, two hundred seventeen, two hundred twenty, two hundred twenty-one, two hundred twenty-two, all of Los Angeles City precinct number ninety-five, except that part lying north of the center line of Twenty-first street and west of the center line of Compton avenue, that part of Los Angeles City precincts numbers ninety-eight, one hundred eight and one hundred eighteen lying south of the center line of Twenty-first street, that part of Los Angeles City precinct number one hundred twenty-seven lying east of the center line of Maple avenue, all of Los Angeles City precinct number one hundred twenty-eight, except that portion lying west of the center line of Maple avenue and north of the center line of Jefferson street, and that part of Los Angeles City precinct number one hundred thirty-six lying south of the center line of Jefferson street, shall constitute the Seventy-third Assembly District.

74. The county of Orange shall constitute the Seventy-fourth Assembly District.

75. All that portion of the county of San Bernardino comprised within the following townships, as such townships were constituted November 1, 1911, to wit: Chino, Ontario, Upland, Cucamonga, Etiwanda, San Bernardino, Hesperia, Victor, Oro Grande, Barstow and Belville shall constitute the Seventy-fifth Assembly District.

76. All that portion of the county of San Bernardino not included within the Seventy-fifth Assembly District, as designated and constituted by this section, shall constitute the Seventy-sixth Assembly District.

77. The country of Riverside shall constitute the Seventy-seventh Assembly District.

78. All that portion of the county of San Diego included within the present boundaries of the first, second, third, fourth, fifth, sixth and seventh wards of the city of San Diego, shall constitute the Seventy-eighth Assembly District.

79. All that portion of the county of San Diego not included in the Seventy-eighth Assembly District, as designated and constituted by this section, shall constitute the Seventy-ninth Assembly District.

80. The county of Imperial shall constitute the Eightieth Assembly District.

SEC. 3. Any precinct, or portion of any precinct, not specifically described herein as constituting a portion of either a Senatorial or Assembly district, shall be attached to and constitute a part of the Senatorial or Assembly district adjacent thereto and situated within the same county or city and county, having, as shown by the last Federal census a less population than any other such district adjacent thereto.

SEC. 4. An Act entitled "An Act to divide the State into legislative districts as required by section six, article four of the Constitution and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891, and also an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act are hereby repealed.

The roll was called, and the Senate refused to recede from the above Senate amendments to Assembly Bill No. 66, by the following vote:

AYES—Senator Larkins—1.

NOES—Senators Avey, Betan, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hare, Hewitt, Holahan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

MOTION.

Senator Wolfe moved that the Secretary of the Senate notify the Assembly that the Senate had refused to recede from the Senate amendments to Assembly Bill No. 66, and request the Assembly to appoint a Committee on Conference.

Motion carried.

RECESS.

At four o'clock and fifteen minutes P. M., on motion of Senator Bell, the President pro tem. declared the Senate at recess until four o'clock and thirty minutes P. M. of this day.

RECONVENED.

At four o'clock and thirty minutes P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President of the Senate announced that he appointed Senators Roseberry, Gates, and Wolfe as a Committee on Conference on Senate Bill No. 11, to act with a like committee from the Assembly.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President of the Senate announced that he appointed Senators Roseberry, Gates and Wolfe, as a Committee on Conference on Senate Bill No. 12, to act with a like committee from the Assembly.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President of the Senate announced that he appointed Senators Cutten, Strobbridge, and Birdsall, as a Committee on Conference on Assembly Bill No. 66, to act with a like committee from the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Roseberry:

Resolved, That the following named persons be and they are hereby dropped from the list of attachés of the Senate, to take effect December 23, 1911:

A. McDevitt, Bill Filer; M. Fitzpatrick, Assistant Sergeant-at-Arms; Geo. W. Conart, Assistant Sergeant-at-Arms; Wm. Gans, Porter; A. T. Shine, Clerk, Judiciary Committee; S. Wacholder, Assistant Sergeant-at-Arms; Lewis H. Brown, Stenographer; M. Carey, Bill Filer; John Mayer, Bill Filer; Geo. G. Taylor, Bill Filer; E. G. Murphy, Bill Filer; Josephine McCann, Stenographer; Felix McMahon, Assistant Sergeant-at-Arms; E. A. Jonker, Committee Clerk; M. Cameron, Committee Clerk; Frank Weymouth, Committee Clerk; Miss E. Bryant, Stenographer; Geo. F. Steers, Page; Ottie Smith, Stenographer.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Behan, Bell, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cassidy, Cutten, Estudillo, Finn, Gates, Hewitt, Holohan, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—30.

NOES—None.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, December 22, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 6—Relative to California Redwood Park—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

WRIGHT, Chairman.

Senate Joint Resolution No. 6 ordered on file.

CONSIDERATION OF RESOLUTION—(OUT OF ORDER).

Senator Wright asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 6 for consideration out of order.

ASSEMBLY JOINT RESOLUTION No. 6.

Relative to California Redwood Park.

WHEREAS, In the year 1902, in the interest of the California Redwood Park, the Government of the United States withdrew certain government lands contiguous to said park in San Mateo and Santa Cruz counties;

WHEREAS, The present Secretary of the Interior has requested to know why these said withdrawn lands should not be restored as the part of a public domain, subject to public entry;

WHEREAS, The nature-loving people of the State of California, in convention assembled, deem it of the highest importance to and in the best interests of the said California Redwood Park that these said withdrawn lands should now become a part and portion of said park;

Resolved by the Assembly and Senate, jointly, That our Senators and Representatives in Congress be, and each of them is, requested to do all in his power to get an Act passed through Congress at the present session granting said lands to the State of California, to be added to the California Redwood Park.

Resolved, That the Governor of California be and is hereby requested to transmit a certified copy of these resolutions to the President and the Speaker, respectively, of the Senate and House of Representatives of the Congress of the United States, and to each of our Senators and Representatives in Congress.

Assembly joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 6 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—33.

NOES—None.

Assembly Joint Resolution No. 6 ordered transmitted to the Assembly.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Strobridge asked for, and was granted, unanimous consent to take up for consideration, out of order, all bills on third-reading files.

Senate Joint Resolution No. 3—Relative to restricting Japanese and other Asiatic immigration.

On motion of Senator Sanford, Senate Joint Resolution No. 3 was temporarily passed on file, to retain its place.

WITHDRAWAL OF BILL.

Senator Estudillo asked for, and was granted, unanimous consent to withdraw Senate Bill No. 15—An Act to amend section ten hundred ninety-six of the Political Code of the State of California.

Senate Bill No. 15 withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 52—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State of California into congressional districts," approved March 11, 1891, and also to repeal an Act entitled "An Act to divide the State into congressional districts, and to provide for the election of members of the House of Representatives of the United States therein," approved March 23, 1901, and all other Acts in conflict with this Act.

On motion of Senator Thompson, Senate Bill No. 52 was temporarily passed on file, to retain its place.

Senate Concurrent Resolution No. 4—Relative to final adjournment of the thirty-ninth (extra) session of the Legislature of the State of California.

On motion of Senator Cutten, Senate Concurrent Resolution No. 4 was temporarily passed on file, to retain its place.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Strobridge asked for, and was granted, unanimous consent to take up for consideration, out of order, all Assembly bills on the third-reading files.

Assembly Bill No. 70—An Act to amend Sections 1096 and 1097 of the Political Code, relating to elections and the registrations of voters.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 70 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 71—An Act to amend Section 4230 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies and assistants.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 71 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cutton, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Caminetti, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 48—An Act regulating and limiting the appropriation of water and the use of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water or the use of water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for water or the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than forty years; limiting the right to water or the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain waters to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water or the use of water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for water or the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state water commission; providing the powers and duties of said water commission and fixing their compensation; compelling persons, firms, association and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said water commission; providing for the appointment and compensation of employees and assistants to said water commission; limiting the expenses of said water commission and providing for

the payment thereof; making an appropriation to carry out the provisions of this Act; fixing the place of business of said water commission; declaring the diversion of water or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state board of control; providing the powers and duties of said board of control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said board of control; providing for the appointment and compensation of employees and assistants to said board of control; limiting the expenses of said board of control and providing for the payment thereof; fixing the place of business of said board of control; declaring the diversion or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act," approved April 8, 1911, and all Acts and parts of Acts in conflict with this Act, and respectfully request your honorable body to concur in same.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 48?"

On page 1, line 13 of the title of the printed bill, strike out the word "fifty" and insert in lieu thereof the word "forty".

Also: On page 3, Section 1, line 3 of the printed bill, strike out the word "fifty" and insert in lieu thereof the word "forty".

Also: On page 7, Section 12, line 7 of the printed bill, strike out the word "fifty" and insert in lieu thereof the word "forty".

Also: On page 8, Section 13, line 10 of the printed bill, strike out the word "fifty" and insert in lieu thereof the word "forty".

Also: On page 8, Section 15, line 11 of the printed bill, strike out the word "fifty" and insert in lieu thereof the word "forty".

Also: Page 4 of the printed bill, strike out all of Section 2, and insert in lieu thereof the following:

"Sec. 2. Subject to vested and existing rights, the appropriation of water or of the use of water for the generation of electricity or electrical or other power shall be made as provided by this Act, and not otherwise; *provided, however,* that nothing in this Act shall be construed to validate any right or privilege now invalid or hereafter becoming invalid under any law of this State."

Also: Page 15 of the printed bill, strike out all of Sections 33 and 34, and insert in lieu thereof the following:

"Sec. 33. This Act shall take effect ninety days after the final adjournment of this session of the Legislature."

Also: On page 11, Section 24, line 8 of the printed bill, insert before the word "as" the following: "etc."

Also: On page 3, strike out the period after the "1911" at the end of the title of the bill, and insert in lieu thereof the following: "; and all Acts and parts of Acts in conflict with this Act."

Also: On page 11, Section 24, line 12 of the printed bill, strike out the word "commissioners" and insert in lieu thereof the word "commission".

Also: On page 11, Section 26, line 7 of the printed bill, insert after the comma the

following: "the number of kilowatt hours of electricity or electrical or other power generated during each month of said year."

Also: On page 13, Section 30, line 15 of the printed bill, insert after the word "power" the following: ", and all irrigation districts and lighting districts desiring to appropriate water for the generation of electricity, electrical or other power".

Also: Page 4, Section 2, line 1 of the printed bill, insert after the comma the following: "in so far as such vested and existing rights are based upon actual needs and application to useful or beneficial purposes".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 48 by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—33.

NOES—None.

Senate Bill No. 48 ordered to enrollment.

MOTION.

Senator Wolfe moved that in the preparation of the laws introduced from the Senate, and of which the Senate has authorized additional copies to be printed for general distribution, the State Printer be instructed to have same printed without the name of any Senator being placed thereon.

Motion carried.

MOTION.

Senator Cassidy asked for, and was granted, unanimous consent that Senate Joint Resolution No. 15 be printed in full in the Journal.

SENATE JOINT RESOLUTION NO. 15.

Relative to requesting the Panama-Pacific International Exposition Commission to devote one half of all moneys appropriated for the use, establishment, maintenance and support of the Panama-Pacific International Exposition, as provided by Section 22, Article IV of the Constitution of the State of California, to the benefit of that portion of the site selected for the holding of said Panama-Pacific International Exposition, to wit: that portion of Golden Gate Park in the city and county of San Francisco westerly from Twentieth avenue, as extended.

WHEREAS, The people of the State of California adopted on November 8, 1910, an amendment to Section 22, Article IV of the Constitution of the State of California, creating in the State treasury a fund to be known as the Panama-Pacific International Exposition Fund; and

WHEREAS, By said amendment there was created a commission known as the Panama-Pacific International Exposition Commission of the State of California, which consists of the Governor of the State and four other members appointed by the Governor, by and with the consent of the Senate of this State; and

WHEREAS, Said commission hereby created has exclusive charge and control of all moneys paid into said Panama-Pacific International Exposition Fund; and

WHEREAS, The Panama-Pacific International Exposition Company has selected a site for the holding of said exposition, which includes that portion of Golden Gate Park westerly from Twentieth avenue, as extended, together with other locations situated in the city and county of San Francisco; and

WHEREAS, Said Golden Gate Park is the pleasure ground of the people of the city and county of San Francisco, as well as the property of said people, maintained and supported by the people of the city and county of San Francisco for the benefit and use of all the people, residents and visitors alike; therefore, be it

Resolved by the Senate and Assembly, jointly, That the Panama-Pacific International Exposition Commission be and it is hereby requested to devote one half of all moneys appropriated for the use, establishment, maintenance and support of the Panama-Pacific International Exposition, as provided by Section 22, Article IV of the Constitution of the State of California creating said Panama-Pacific International Exposition Commission and said Panama-Pacific International Exposition Fund, to the benefit of that portion of the site selected for the holding of the said Panama-Pacific International Exposition, to wit: That portion of Golden Gate Park in the city and county of San Francisco westerly from Twentieth avenue, as extended;

Resolved, That the Secretary of the Senate forward a copy of these resolutions to the Governor of this State and to each of the members constituting said Panama-Pacific International Exposition Commission.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Bills, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted, as amended, Senate Joint Resolution No. 10—Relating to the Simmons National Quarantine Act, now before Congress—and respectfully request your honorable body to concur in said amendments.

L. B. MALLORY, Chief Clerk of the Assembly.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Joint Resolution No. 10?"

On page 2, line 40, strike out the word "passage" and insert in lieu thereof the following: "provision".

On page 2, line 50, strike out all the words after the word "Resolved," in lines 50, 51, 52, 53, and 54, and insert in lieu thereof the following: "That a copy of this resolution be forthwith transmitted by the Chief Clerk of the Assembly to the President of the Senate of the United States and the Speaker of the House of Representatives of the United States, and a copy hereof to each member of Congress from the State of California."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Joint Resolution No. 10 by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cullen, Estudillo, Finn, Hare, Hewitt, Holahan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobidge, Thompson, Tyrrell, Walker, Wolfe, and Wright—32.

NOES—None.

Senate Joint Resolution No. 10 ordered to enrollment.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Contingent Expenses:

WHEREAS, The Sergeant-at-Arms of the Senate has submitted to the Senate Committee on Contingent Expenses the various bills herein set out for supplies furnished to the Senate, and the committee has examined the same and believe them to be proper charges against the Senate; therefore, be it

Resolved, That the State Controller be and he is hereby directed to draw his separate warrants in favor of the Sergeant-at-Arms of the Senate for the various sums set out herein below, amounting to the sum of \$60.00, the bills for which are attached hereto, upon the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

E. H. Cox & Son, Bear flag-----	\$35.00
Schneider, Chappell & Jones, plate glass and labor-----	25.00

\$60.00

BURNETT, Chairman.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Hewitt, Holahan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobidge, Tyrrell, Walker, Welch, and Wolfe—32.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Caminetti: Senate Joint Resolution No. 16—Memorializing the Congress of the United States for favorable consideration of the request of the Legislature of the State of California, for investigators and surveyors by the California Débris Commission under the provisions of an Act of Congress approved March 1, 1893, to aid in the preparation and making of a report on a project for the relief from floods in the San Joaquin Valley and the delta of the Sacramento and San Joaquin rivers and for improvements in aid of commerce and navigation.

Senate Joint Resolution No. 16 ordered referred to Committee on Federal Relations.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Stetson, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Speaker of the Assembly on this day appointed the following, as a Committee on Conference, to meet a like committee from your honorable body to consider Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed fifteen thousand dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an Industrial Accident Board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911"—Messrs. Harlan, Joel, and Guill.

L. B. MALLORY, Chief Clerk of the Assembly.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Speaker of the Assembly on this day appointed the following as a Committee on Conference, to meet a like committee from your honorable body, to consider Senate Bill No. 12—An Act to provide for the keeping by employers of a record of injuries suffered by their employees; the reporting of such injuries to the Industrial Accident Board by employers and attending physicians; the keeping by employers and insurance companies of records of claims for injuries suffered by employees and of compromises and settlements made therefor and requiring the reporting thereof to said board; and fixing a penalty for refusal or neglect to keep such records or make such reports—Messrs. Harlan, Joel, and Guill.

L. B. MALLORY, Chief Clerk of the Assembly.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to recede from Assembly amendments to Senate Bill No. 2—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection thereof; to provide penalties for the violation of the provisions of this Act; providing for the appointment of officers to enforce and carry into effect the provisions of this Act, including a state superintendent of weights and measures and his deputies; defining the powers and duties of such officers; and making an appropriation to carry this Act into effect—and have appointed as a Committee on Conference Messrs. Hamilton, Rutherford, and Hinshaw, and respectfully request that your honorable body appoint a like committee.

L. B. MALLORY, Chief Clerk of the Assembly.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President of the Senate announced that he appointed Senators Welch, Hewitt and Martinelli as a Committee on Conference on Senate Bill No. 2, to act with a like committee from the Assembly.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were introduced:

By Committee on Contingent Expenses:

Resolved, That the State Controller be and he is hereby directed to draw his separate warrants upon the Contingent Fund of the Senate, in favor of the Secretary of the Senate, for the amounts set out herein below, as per vouchers filed herewith, amounting in all to the sum of \$32.00 and being as follows:

Remington Typewriter Co., rent of typewriter.....	\$3 00
Alexander Anderson, rent of typewriter.....	9 00
Underwood Typewriter Co., rent of typewriter.....	20 00

And the Treasurer is directed to pay the same.

BURNETT, Chairman.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Welch, and Wolfe—26.

NOES—None.

By Senator Hewitt:

Resolved, That the State Printer be and he is hereby ordered to print for distribution, in addition to those required by law, five hundred copies of the Act passed at this extraordinary session, entitled "An Act to provide for submitting to the qualified electors of every city and county, or incorporated city or town, in this State the question whether such city and county, or incorporated city or town, shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the qualified electors of any such city and county, or incorporated city or town, shall have voted to retain such powers or to reinvest such city and county, or incorporated city or town, with such powers, in case the qualified electors thereof have voted to surrender such powers."

Resolution read, and ordered referred to Committee on Printing.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Bell, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Speaker of the Assembly on this day appointed the following committee to meet a like committee from your honorable body to consider Assembly Bill No. 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts—Messrs. Mott, Stevenot, and Wilson.

L. B. MALLORY, Chief Clerk of the Assembly.

RECESS.

At five o'clock and fifty-five minutes P. M., on motion of Senator Bell, the President declared the Senate at recess until eight o'clock and thirty minutes P. M. of this day.

RECONVENED.

At eight o'clock and thirty minutes P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

REPORT OF COMMITTEE ON CONFERENCE.

SENATE CHAMBER, SACRAMENTO, December 22, 1911.

MR. PRESIDENT: Your Committee on Conference concerning Assembly Bill No. 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891; and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act—report that we have met a like committee of the Assembly, consisting of Assemblymen Mott, Wilson, and Stevenot, and we report that the Conference Committee was unable to agree, and recommend that a committee on Free Conference be appointed.

CUTTEN,
STROBRIDGE,
BIRDSALL,

Senate Committee on Conference.

MOTT,
WILSON,
STEVENOT,

Assembly Committee on Conference.

MOTION.

Senator Wolfe moved that the report of the Committee on Conference be received, and that a Committee on Free Conference be appointed.

Motion carried.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Curtin, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Speaker of the Assembly on this day appointed Messrs. Jones, Judson, and Bohnett as a Committee on Free Conference to meet a like committee from your honorable body to consider Assembly Bill No. 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts.

L. B. MALLORY, Chief Clerk of the Assembly.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The President of the Senate announced that he appointed Senators Stetson, Roseberry, and Boynton as a Committee on Free Conference on Assembly Bill No. 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts, and defining and establishing such districts—to act with a like committee from the Assembly.

EXPLANATION OF VOTE.

Senator Cassidy asked for, and was granted, unanimous consent to explain his vote on Assembly Bill No. 30, and have the explanation printed in the Journal.

MR. PRESIDENT: For the reason that during the discussion had before the vote was taken upon the amendment of Senator Sanford to Assembly Bill No. 30 the

names of certain prominent candidates for the nomination of President of the United States were mentioned, I desire to state that I cast my vote against said amendment, and later, in favor of said bill, without any thought whatever of any candidate for Presidency whether standing for progressive or reactionary principles. I desired solely to see enacted at this extraordinary session of the Legislature a presidential preference primary law. I am a firm adherent of President Taft, especially in view of the valuable assistance he rendered in securing for San Francisco the Panama-Pacific International Exposition.

JOHN J. CASSIDY.

EXPLANATION OF VOTE.

Senator Curtin asked for, and was granted, unanimous consent to explain his vote on Assembly Bill No. 30, and have the explanation printed in the Journal.

MR. PRESIDENT: I voted for the passage of Assembly Bill No. 30, known as the "Presidential Primary Bill," not because it was the best bill on the subject that we could enact or adopt, but because it was the only bill we could get on this subject. This bill, in my opinion, does not do or provide what is promised it will do or provide. It does not give the people of California what they were promised or what they are entitled to. For more than a quarter of a century it has been the rule of national party convention calls to allow four delegates-at-large on the basis of two for each United States Senator; and then two for each congressional district, following the plan of our Government. This bill violates that rule and deprives each congressional district of its right to send two delegates to the national convention for the reason that while they may be nominated from a congressional district, they are elected by a state-wide vote and the twenty-six delegates receiving the highest number of votes in the State will be elected, and they may all reside in one congressional district. Further, as all delegates are to be elected by a state-wide vote, there is justification in the requirement that they be nominated by a one per cent vote in each congressional district, and a further objection is that the "grouping system" provided for in this bill places the opportunity for "party bosses" to defeat any man's chances to go to the national convention, and to name the delegates they desire. The people expected, and had a right to expect, the day of "bossism" in our political affairs had gone by and that any man could aspire to any political office or to attend any party convention, without asking any permission of any "boss," but this bill decrees otherwise, and for those reasons I regret that it was the only bill we could get on this subject.

J. B. CURTIN.

ADJOURNMENT.

At nine o'clock P. M., on motion of Senator Bell, the President declared the Senate adjourned until Saturday, December 23, 1911, at eight o'clock and thirty minutes A. M.

IN SENATE.

SENATE CHAMBER,

Saturday, December 23, 1911.

Pursuant to adjournment, the Senate met at eight o'clock and thirty minutes A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Black, Boynton, Caminetti, Campbell, Cassidy, Curtin, Gates, Hans, Holohan, Hurd, Larkins, Regan, Roseberry, Rush, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—25.

Quorum present.

PRAYER.

Prayer was offered by Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, December 22, 1911, the further reading was dispensed with, on motion of Senator Rush.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day denied adoption to Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said state, by amending section six of article four thereof, relating to Senatorial and Assembly districts, and repealing section twenty-seven of article four of said Constitution, relating to congressional districts and the formation thereof.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

REPORT OF COMMITTEE ON CONFERENCE—SENATE BILL NO. 2.

SENATE CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: The Conference Committee appointed to consider on Senate Bill No. 2, have met with a like committee appointed by the Assembly and report that they are unable to agree, and recommend that a Committee on Free Conference be appointed.

WELCH,
HEWITT,
MARTINELLI.

Senate Conference Committee.

HAMILTON,
HINSHAW,
RUTHERFORD.

Assembly Conference Committee.

MOTION.

Senator Welch moved that the report of the Committee on Conference be received, and that a Committee on Free Conference be appointed.

Motion carried.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The President of the Senate announced that he appointed Senators Wolfe, Wright, and Curtin as a Committee on Free Conference on Senate Bill No. 2—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this Act; for the admission in evidence of copies of the State's standards of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this Act including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this Act into effect—to act with a like committee from the Assembly.

RESOLUTION.

The following resolution was introduced:

By Senator Thompson:

Resolved, That the Secretary of the Senate and the Assistant Secretaries of the Senate must, at the close of this session of the Legislature, mark, label and arrange all bills and other papers belonging to the archives of the Senate, and deliver them, together with all the books and papers of the Senate, to the Secretary of State, who must certify to the reception of the same, together with such other post-session work as may be required by law, and for such services the sum of one hundred and fifty dollars is allowed, the same payable out of the Contingent Fund of the Senate, and the Controller of State is hereby directed to draw his warrant in favor of the Secretary of the Senate for the above sum, and the Treasurer is hereby directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Caminetti, Cassidy, Curtin, Haas, Holohan, Hurd, Larkins, Regan, Rush, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, and Wolfe—21.

NOES—None.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Joint Resolution No. 3—Relative to restricting Japanese and other Asiatic immigration.

Senate Joint Resolution No. 3 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 52—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State of California into congressional districts," approved March 11, 1891, and also to repeal an Act entitled "An Act to divide the State into congressional districts, and to provide for the election of members of the House of Representatives of the United States therein," approved March 23, 1901, and all other Acts in conflict with this Act.

On motion of Senator Thompson, Senate Bill No. 52 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IV of the Constitution, relating to the election of members of the general assembly, by providing for minority representation in the general assembly.

Senate Constitutional Amendment No. 4 was temporarily passed on file, in the absence of the author, to retain its place.

RECESS.

At nine o'clock and twenty-five minutes A. M., on motion of Senator Bell, the President declared the Senate at recess until ten o'clock and thirty minutes A. M. of this day.

RECONVENED.

At ten o'clock and thirty minutes A. M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

REPORT OF COMMITTEE ON CONFERENCE.

SENATE CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: Your Committee on Conference concerning Senate Bill No. 12—An Act to provide for the keeping by employers of a record of injuries suffered by their employees; the reporting of such injuries to the Industrial Accident Board by employers and attending physicians; the keeping by employers and insurance companies of records of claims for injuries suffered by employees and of compromises and settlements made therefor and requiring the reporting thereof to said board; and fixing a penalty for refusal or neglect to keep such records or make such reports—consisting of Senators Roseberry, Gates, and Wolfe, report that we have met a like committee of the Assembly, consisting of Assemblymen Joel, Harlan, and Guill, and we report that the Conference Committee agreed upon and recommend that the Senate concur in the amendments as made by the Assembly December 19, 1911.

ROSEBERRY,
GATES,
WOLFE,

Senate Committee on Conference.

HARLAN,
JOEL,
GUILL,

Assembly Committee on Conference.

MOTION.

Senator Roseberry moved that the Senate adopt the report of the Committee on Conference, and concur in the Assembly amendments adopted in Assembly Tuesday, December 19, 1911, as follows:

On page 4 of the printed bill, after section seven, add the following:

"Sec. 8. Nothing in this Act shall apply to employers of labor engaged in farming, dairying, agricultural or horticultural pursuits, in poultry raising or domestic service."

The question being on the adoption of the report.

The roll was called, and the Senate concurred in the above Assembly amendments, and adopted the report of the Committee on Conference by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Campbell, Cartwright, Cassidy, Curtin, Cutton, Hans, Hewitt, Holohan, Hurd, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Tyrrell, Walker, Welch, and Wright—26.

NOES—None.

Senate Bill No. 12, and the report of the Committee on Conference, ordered transmitted to the Assembly.

REPORT OF COMMITTEE ON CONFERENCE.

SENATE CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: Your Committee on Conference concerning Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed twelve thousand five hundred dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911,"—consisting of Senators Roseberry, Gates, and Wolfe, report that we have met a like Committee of the Assembly, consisting of Assemblymen Joel, Guill, and Harlan, and we report that the Conference Committee agreed upon and recommend the bill be amended as follows:

First—In Section 4, line 5, after the word "that," insert the word "knowingly".

Second—In Section 4, line 8, strike out all of that line after the word "of" and all

of lines 9, 10 and 11 and insert in lieu thereof the following: "not more than ten dollars"; and that the Assembly recede from amendments adopted December 18, 1911.

ROSEBERRY,
WOLFE,
GATES.

Senate Committee on Conference.

HARLAN,
JOEL,
GULL.

Assembly Committee on Conference.

MOTION.

Senator Roseberry moved that the Senate adopt the report of the Committee on Conference, and that Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed twelve thousand five hundred dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911"—be amended as follows:

In Section 4, line 5, after the word "that," insert the word "knowingly".

Also: In Section 4, line 8, strike out all of that line after the word "of" and all of lines 9, 10 and 11, and insert in lieu thereof the following: "not more than ten dollars".

The question being on the adoption of the report.

The roll was called, and the Senate adopted the amendments submitted by the Committee on Conference, and adopted the report of the Committee on Conference by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Campbell, Cassidy, Curtin, Cutton, Estudillo, Hans, Hewitt, Holohan, Hurd, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobbridge, Tyrrell, Walker, Welch, Wolfe, and Wight—26.

NOES—None.

Senate Bill No. 11, and the report of the Committee on Conference, ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section eight of article thirteen thereof, relating to taxation by counties and municipalities—have had the same under consideration, and respectfully report the same back without recommendation.

STETSON, Chairman.

Senate Constitutional Amendment No. 8 ordered on file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and use of such text-books—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw the same.

STROBRIDGE, Chairman.

Senate Constitutional Amendment No. 5 ordered on file.

WITHDRAWAL OF BILL.

Senator Larkins asked for, and was granted, unanimous consent to withdraw Senate Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and use of such text-books.

Senate Constitutional Amendment No. 5 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 16—Memorializing the Congress of the United States for favorable consideration of the request of the Legislature of the State of California, for investigations and surveys by the California Débris Commission under the provisions of an Act of Congress, approved March 1, 1893, to aid in the preparation and making of a report on a project for the relief from floods in the San Joaquin Valley and the delta of the Sacramento and San Joaquin rivers and for improvements in aid of commerce and navigation—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

WRIGHT, Chairman.

Senate Joint Resolution No 16 ordered on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Caminetti asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 16, for consideration out of order.

SENATE JOINT RESOLUTION No. 16,

Memorializing the Congress of the United States for favorable consideration of the request of the Legislature of the State of California, for investigations and surveys by the California Débris Commission under the provisions of an Act of Congress, approved March 1, 1893, to aid in the preparation and making of a report on a project for the relief from floods in the San Joaquin Valley and the delta of the Sacramento and San Joaquin rivers and for improvements in aid of commerce and navigation.

WHEREAS, Conditions injuriously affecting vast areas of valuable land adjacent to, and the interests of commerce and navigation in, the river systems of the San Joaquin Valley, within the power of the California Débris Commission to correct under the provisions of an Act of Congress, approved March 1st, 1893, creating said commission and defining its duties, are identical with those existing in the river systems of the Sacramento Valley and require like remedial treatment; and

WHEREAS, The Sacramento and San Joaquin rivers form a delta, common to both, and by connecting water ways, their flood waters mingle, frequently involving great damage to property and to navigation; and

WHEREAS, The work involved and plans contemplated in said rivers and said delta, under the requirements of said Act, should be coördinated into one harmonious project; and

WHEREAS, The report of said commission made in accordance with the requirements of said Act, including maps and containing a project together with estimate of the cost thereof, for the relief from floods in the Sacramento Valley, transmitted to the Congress of the United States by the Secretary of War, June 25th, 1911, and approved and recommended by him for adoption by Congress, now designated as House Document No. 81, Sixty-second Congress, First Session, applies only to the Sacramento River conditions, and said commission strongly urges "that work begin at once and provision be made for its early completion; and

WHEREAS, As delay in treating these conditions in the river systems of the Sacramento Valley, has greatly added to the injury done as well as to the cost of the proposed project, the same results will follow delay in treating like conditions in the river systems of the San Joaquin Valley; and

WHEREAS, As investigations and surveys are required preliminary to the making of a report by said commission on said river systems in the San Joaquin Valley, it is of the utmost importance that such investigations and surveys be commenced without unnecessary delay; and

WHEREAS, As said remedial work necessary in said river systems and said delta make the problem a vital one pressing for an early solution, the Legislature of the State of California has by appropriate legislation adopted the project contained in said report, and has in other ways indicated its willingness to cooperate with the United States, in furtherance of this great work; therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly. That the Legislature of the State of California, in extraordinary session assembled, memorializes the Congress of the United States, for such legislation and direction, as will provide for such investigations and surveys by the California Débris Commission under the provisions of said Act, thereby hastening the preparation and making of the report on a project for the relief from floods in the San Joaquin Valley and said delta and for improvements in aid of commerce and navigation; be it further

Resolved. That our Senators and Representatives in Congress be and they are hereby requested to use all honorable means to secure favorable consideration of this memorial; and be it further

Resolved. That duly authenticated copies of this memorial be transmitted by the Governor of the State of California to the Senate and House of Representatives of the United States, the Secretary of War, the Chief of Engineers, United States army, the California Débris Commission, and to each of our Senators and Representatives in Congress.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 16 adopted by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Gates, Hans, Hewitt, Holohan, Hurd, Larkin, Martinelli, Regan, Roseberry, Rush, Shanahan, Tyrrell, Welch, Wolfe, and Wright—29.

NOES—None.

Senate Joint Resolution No. 16 ordered engrossed and transmitted to the Assembly.

LEUTENANT GOVERNOR ALBERT J. WALLACE IN THE CHAIR.

At ten o'clock and fifteen minutes A. M., Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: Your Committee on Printing, to whom was referred the following resolution:

Resolved. That the State Printer be and he is hereby ordered to print for distribution, in addition to those required by law, five hundred copies of the Act passed at this extraordinary session, entitled "An Act to provide for submitting to the qualified electors of every city and county, or incorporated city or town, in this State the question whether such city and county, or incorporated city or town, shall retain the powers of control vested therein respecting all or any public utilities, and

providing further for elections thereafter to surrender such powers in case the qualified electors of any such city and county, or incorporated city or town, shall have voted to retain such powers or to reinvest such city and county, or incorporated city or town, with such powers, in case the qualified electors thereof have voted to surrender such powers"—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

HANS, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cutten, Estudillo, Gates, Hans, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Rush, Sanford, Shanahan, Tyrrell, Walker, Welch, and Wright—27.

NOES—None.

SUSPENSION OF RULES.

Senator Estudillo moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion carried.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Bell, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Speaker of the Assembly on this day appointed the following Committee on Free Conference: Assemblymen Chandler, Wyllie, and Guill, to meet a like committee from your honorable body to consider Senate Bill No. 2—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this Act; for the admission in evidence of copies of the State's standards of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this Act including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this Act into effect.

L. B. MALLORY, Chief Clerk of the Assembly.

By A. H. HARLIN, Assistant Clerk.

RECESS.

At ten o'clock and fifty-five minutes A. M., on motion of Senator Bell, the President declared the Senate at recess until eleven o'clock and thirty minutes A. M. of this day.

RECONVENED.

At eleven o'clock and thirty minutes A. M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

RECESS.

At eleven o'clock and thirty-one minutes A. M., on motion of Senator Bell, the President pro tem. declared the Senate at recess until one o'clock P. M. of this day.

RECONVENED.

At one o'clock p. m., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

CONSIDERATION OF SENATE CONCURRENT RESOLUTIONS—(OUT OF ORDER).

On motion of Senator Cutten, Senate Concurrent Resolution No. 4 was taken up for consideration out of order, for the purpose of amendment.

Senate Concurrent Resolution No. 4—Relative to final adjournment of the thirty-ninth (extra) session of the Legislature of the State of California.

During the reading of the Senate concurrent resolution, the following amendment was offered by Senator Cutten:

Amend as follows: By striking out the word "noon" and inserting in lieu thereof the following: "midnight".

Amendment read and adopted.

SUSPENSION OF RULES.

Senator Cutten moved that the rules be suspended, and that Senate Concurrent Resolution No. 4 be considered for adoption.

Motion duly seconded.

Motion carried.

SENATE CONCURRENT RESOLUTION NO. 4.

Relative to final adjournment of the thirty-ninth (extra) session of the Legislature of the State of California.

Resolved by the Senate, the Assembly concurring. That the thirty-ninth (extra) session of the Legislature of the State of California adjourn *sine die* at twelve o'clock midnight Saturday, December 23, 1911.

Senate concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 4 adopted by the following vote:

AYES—Senators Avey, Bohan, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Welch, Wolfe, and Wright—35.

NOES—None.

Senate Concurrent Resolution No. 4 considered engrossed and ordered transmitted to the Assembly.

REPORT OF COMMITTEE ON FREE CONFERENCE.

SENATE CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 2—An Act to establish a standard of weights and measures in the State of California: to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this Act; for the admission in evidence of copies of the State's standards of weights and meas-

ures; providing for the appointment of officers to enforce and carry into effect the provisions of this Act, including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this Act into effect—report that we have met a like committee of the Assembly, consisting of Assemblymen Chandler, Wyllie, and Guill, and we report that the Free Conference Committee were unable to agree and ask to be discharged.

WRIGHT,
WOLFE,
CURTIN.

Committee from the Senate.

CHANDLER,
WYLLIE,
GUILL,

Committee from the Assembly.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsell, Black, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were introduced:

By Senator Shanahan:

Resolved, That the State Printer be, and he is hereby, ordered to print twelve thousand copies of the chapter of Assembly Constitutional Amendment No. 3, fifty copies of which to be sent to each member of the Legislature, and the remainder for general distribution.

Resolution read, and referred to Committee on Printing.

Also:

By Senator Shanahan:

Resolved, That the State Controller be, and he is hereby, instructed to draw his warrant on the Contingent Fund of the Senate, in favor of the Secretary of State for \$100.00, or so much thereof as may be necessary, to pay the cost of forwarding to each member of the Legislature fifty copies of the chapter of Assembly Constitutional Amendment No. 3, and also to pay the cost of general distribution of said chapters, and the State Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

QUESTION OF PERSONAL PRIVILEGE.

Senators Larkins rose to a question of personal privilege and spoke as follows:

MR. PRESIDENT: I am for this resolution, Senate Constitutional Amendment No. 3, but I do not agree with Senator Wright in his condemnation of Francis J. Heney. I heard that speech and I thought it a splendid one, full of patriotism and containing much valuable information. A constitution is but a creature of man, sacred while it lasts, but may be changed or repealed at any time by those in whom sovereignty rests. There is no power above the people. This is the position taken by Mr. Heney, and I agree with him. I am not going to turn him down because he was defeated by the corrupt influences of San Francisco. Now in the hour of this vituperation against him we who love clean government should stand by him. I am for the resolution because I believe that teachers in our public schools should be made to understand that patriotism should be taught to the children when young; when they are older they can discriminate in regard to individuals, but this is our country, and I believe as Tom Corwin did when he said in substance: "My country, my country, right or wrong—still my country."

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference on Senate Bill No. 11, thereby receding from Assembly amendments to said bill adopted December 18, 1911—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed twelve thousand five hundred dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911."

L. B. MALLORY, Chief Clerk of the Assembly.

Senate Bill No. 11 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference on Senate Bill No. 12—An Act to provide for the keeping by employers of a record of injuries suffered by their employees; the reporting of such injuries to the Industrial Accident Board by employers and attending physicians; the keeping by employers and insurance companies of records of claims for injuries suffered by employees and of compromises and settlements made therefor and requiring the reporting thereof to said board; and fixing a penalty for refusal or neglect to keep such records or make such reports.

L. B. MALLORY, Chief Clerk of the Assembly.

By A. H. HARLIN, Assistant Clerk.

Senate Bill No. 12 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 13—Memorializing the Congress of the United States for favorable consideration of the project contained in the report of the California Débris Commission, relating to "control of floods in the river systems of the Sacramento Valley and the adjacent San Joaquin Valley, California."

Also: Senate Joint Resolution No. 16—Memorializing the Congress of the United States for favorable consideration of the request of the Legislature of the State of California, for investigations and surveys by the California Débris Commission under the provisions of an Act of Congress, approved March 1, 1893, to aid in the preparation and making of a report on a project for the relief from floods in the San Joaquin Valley and the delta of the Sacramento and San Joaquin rivers and for improvements in aid of commerce and navigation.

L. B. MALLORY, Chief Clerk of the Assembly.

By A. H. HARLIN, Assistant Clerk.

Senate Joint Resolutions Nos. 13 and 16 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted as amended Senate Joint Resolution No. 4—Relative to the election of President and Vice-President of the United States by a direct popular and nation-wide vote.

Also: Senate Joint Resolution No. 6—Relative to a canal constructed from the San Joaquin River near Pollasky, in Fresno County, to a point in San Joaquin County near Stockton.

And respectfully request that your honorable body concur in the amendments.

L. B. MALLORY, Chief Clerk of the Assembly.

By A. H. HARLIN, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Joint Resolution No. 4?"

On page 1 of the printed resolution strike out lines 1, 2, 3, 4, 5, 6, 7, 8 and 9, and insert in lieu thereof the following:

"WHEREAS, There is a movement for the adoption of an amendment to the Constitution of the United States which will provide for the election of President and Vice-President of the United States by direct vote of the people; therefore, be it

Resolved, That the Legislature of the State of California favor the adoption of the amendment to the Constitution of the United States which will provide for the election of such President and Vice-President by a direct vote of the people."

The roll was called, and the above Assembly amendment to Senate Joint Resolution No. 4 was concurred in by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobbridge, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

Senate Joint Resolution No. 4 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Joint Resolution No. 6?"

On page 1, Section 1, line 1, strike out all the words after the word "whereas" of said resolution and insert in lieu thereof the following:

"There is in the San Joaquin Valley in California a large tract of irrigable arid land, consisting of more than one million acres, all of which is good, rich, level, arid land, and the same would consume all the flood waters that annually come down from the Sierra Nevada mountains through the San Joaquin and Fresno rivers, and if said waters were conserved and distributed over said lands, the same would yield bountiful crops and would add great wealth to the State of California; and

WHEREAS, All of said waters could be conserved and distributed over said lands by means of canals constructed for the distribution of same; and

WHEREAS, If said waters were so conserved and distributed by means of said canals, a large return therefrom by annual rentals for the use of said waters would result in ample returns to the Government upon the moneys thus expended, and at the same time would lessen the cost of maintaining the levees and embankments along the lower San Joaquin River, and thereby minimize the danger to and loss of property occasioned by the rise and overflow of said San Joaquin River; and

WHEREAS, Reservoirs and canals of sufficient capacity to conserve and carry all of said waters can be constructed by the Federal Government, but the cost of which would be too great for private enterprise or state undertaking; therefore, be it

Resolved by the Senate and Assembly, jointly, That our Senators in Congress be instructed and our Representatives be requested to use all honorable means to secure the passage of a law in Congress by which the Government of the United States will cause a proper survey of such proposed restraining dams and canals to be made, and to thereafter with all reasonable dispatch construct dams and canals and to sell and dispose of upon such terms as may be prescribed by the department in charge thereof, the said waters for use of all the lands susceptible of being irrigated from said storage reservoirs; be it further

Resolved, That a copy of this resolution be forwarded by the Secretary of the Senate to each of our Senators and Representatives in Congress."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Joint Resolution No. 6 by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobbridge, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

Senate Joint Resolution No. 6 ordered to enrollment.

RESOLUTIONS.

The following resolutions were introduced:

By Senator Boynton:

Resolved, That the State Printer be, and he is hereby, instructed to print 10,000 annotated and indexed copies of the direct primary law, as amended at the present

extra session, and the presidential primary law, said Acts being bound together; and further be it

Resolved, That the Secretary of State is hereby authorized to receive the same for public distribution and that 40 copies of said combined Acts be sent to each member of the Legislature; and further be it

Resolved, That the author of the said Acts be requested to assist in the annotating and indexing thereof, such work to be performed without compensation.

Resolution read, and referred to Committee on Printing.

Also:

By Senator Boynton:

Resolved, That the State Printer be, and he is hereby, directed to print 2,000 copies of Assembly Bill No. 64 and 3,000 copies of Assembly Bill No. 70, and the Secretary of State is directed to distribute these in proportion to population among the various county clerks or registrars of voters of the State.

Resolution read, and referred to Committee on Printing.

Also:

By Senator Welch:

Resolved, That the State Printer be, and he is hereby, ordered to print 10,000 copies of the communication from the Department of Commerce and Labor, Bureau of Standards, bearing date Washington, D. C., February 28, 1911, and printed in the Journal of the Senate on December 16, 1911, and that the Secretary of State be instructed to distribute the same in equal proportion to the members of the Senate for distribution.

Resolution read, and referred to Committee on Printing.

RECESS.

At two o'clock and thirty-five minutes P. M., on motion of Senator Boynton, the President declared the Senate at recess until three o'clock and fifteen minutes P. M. of this day

RECONVENED.

At three o'clock and fifteen minutes P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

RECESS.

At four o'clock P. M., on motion of Senator Boynton, the President declared the Senate at recess until four o'clock and thirty minutes P. M. of this day.

RECONVENED.

At four o'clock and thirty minutes P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Senate Bill No. 4—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149e and 4149f, providing for the appointment of a registrar of voters, prescribing his duties and fixing his term of office and the compensation to be paid such registrar in the various classes of counties.

Also: Senate Bill No. 42—An Act to amend Section 4017 of the Political Code, with reference to the consolidation of county offices.

Also: Senate Bill No. 32—An Act to amend Section 1004 of the Political Code of the State of California, relating to the registration of voters.

Also: Senate Bill No. 44—An Act to provide for submitting to the qualified electors of every city and county, or incorporated city or town, in this State the question whether such city and county, or incorporated city or town, shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the qualified electors of any such city and county, or incorporated city or town, shall have voted to retain such powers, or to reinvest such city and county, or incorporated city or town, with such powers, in case the qualified electors thereof have voted to surrender such powers.

Also: Senate Bill No. 16—An Act to amend section eleven hundred and six of the Political Code of the State of California, relating to cancellation of names entered in the great register.

Also: Senate Bill No. 20—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by Congress to the State of California for the benefit of the public schools, and internal improvements, authorizing the conveyance of land by officers of the State for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions hereof.

Also: Senate Bill No. 30—An Act approving the report of the California Débris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27th, 1911, directing the approval of plans for reclamation along the Sacramento River or its tributaries or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers.

Also: Senate Bill No. 37—An Act to amend Section 3494 of the Political Code of the State of California, relating to the sale of school lands.

Also: Senate Concurrent Resolution No. 2—Relative to Joint Rules.

Also: Senate Joint Resolution No. 14—Relative to national forests situated within the State of California and requesting the War Department of the United States to station and maintain Federal troops in such national forests during certain months.

Also: Senate Joint Resolution No. 7—Relative to establishment of dry docks on the bay of San Francisco or waters tributary thereto.

Also: Senate Joint Resolution No. 12—Relative to arbitration peace treaties now pending before the Senate of the United States.

Also: Senate Concurrent Resolution No. 3—Relative to the teaching of patriotism in the public schools of California.

Also: Senate Bill No. 24—An Act to amend section one of an Act entitled "An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten, which is provided in section fourteen of article thirteen of the Constitution of this State and as provided in an Act of the thirty-ninth session of the Legislature entitled 'An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation'," approved April 26, 1911.

Also: Senate Bill No. 54—An Act to amend section thirty-one of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Also: Senate Bill No. 48—An Act regulating and limiting the appropriation of water and the use of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water or the use of water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for water or the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than forty years; limiting the right to water or the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power, and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power

generated by water or the use of water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for water or the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state water commission; providing the powers and duties of said water commission and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said water commission; providing for the appointment and compensation of employees and assistants to said water commission; limiting the expenses of said water commission and providing for the payment thereof; making an appropriation to carry out the provisions of this Act; fixing the place of business of said water commission; declaring the diversion of water or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state board of control; providing the powers and duties of said board of control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said board of control; providing for the appointment and compensation of employees and assistants to said board of control; limiting the expenses of said board of control and providing for the payment thereof; fixing the place of business of said board of control; declaring the diversion or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act," approved April 8, 1911, and all Acts and parts of Acts in conflict with this Act.

Also: Senate Joint Resolution No. 10—Relating to the Simmons national quarantine Act, now before Congress.

And were presented to the Governor December 23d, at three o'clock P. M.

CASSIDY, Chairman.

RECESS.

At five o'clock and twenty-five minutes P. M., on motion of Senator Boynton, the President declared the Senate at recess until seven o'clock P. M. of this day.

RECONVENED.

At seven o'clock P. M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SENATOR HARE IN THE CHAIR.

At seven o'clock and five minutes P. M., Senator Hare, of the Twenty-third District, in the chair.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Bell, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted, as amended, Senate Concurrent Resolution No. 4—Relative to final adjournment of the thirty-ninth (extra) session of the Legislature of the State of California—and respectfully request your honorable body to concur in the amendments.

L. B. MALLORY, Chief Clerk of the Assembly.

By A. H. HARLIN, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 4?"

Strike out all after the words "*sine die*" in the resolution as amended December 23, 1911, and insert in lieu thereof the following: "at twelve o'clock meridian, Sunday, December 24, 1911."

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Thompson moved a call of the Senate.

Motion carried.

Time, seven o'clock and six minutes P. M.

The Acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Birdsall, Boynton, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutten, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Sanford, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—27.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER THE CALL OF THE SENATE DISPENSED WITH.

At seven o'clock and twelve minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Stetson.

The roll of absentees was called, and the Senate concurred in the above Assembly amendment to Senate Concurrent Resolution No. 4 by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutten, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Sanford, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—27.

NOES—None.

Senate Concurrent Resolution No. 4 ordered to enrollment.

RECESS.

At seven o'clock and sixteen minutes P. M., on motion of Senator Wolfe, the Acting President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened
Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Boynton, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference, relative to Assembly Bill No. 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts.

L. B. MALLORY, Chief Clerk of the Assembly.

POINT OF ORDER.

Senator Hare raised the point of order that the reapportionment and redistricting of the State of California into senatorial and assembly districts at this time was not in order, on the ground that such redistricting could only be effected at the session of the Legislature next ensuing the completion of the census enumeration by the United States.

RULING ON POINT OF ORDER.

The President of the Senate declared the point of order raised by Senator Hare not well taken.

PROTEST ON RULING ON POINT OF ORDER.

Senator Hare filed a written protest against the ruling of the President, and asked unanimous consent that the protest be printed in the Senate Journal.

PROTEST.

At this time, as a member of the Legislature, I wish to object to the reapportionment and redistricting of the State of California into senatorial and assembly districts upon the following grounds:

First, Section 6 of Article IV of the Constitution of the State of California provides for the reapportionment and redistricting of the State of California into senatorial and assembly districts. Under the provisions of said section and article it was the duty of this Legislature, at the last regular session, to have reapportioned and redistricted the State into senatorial and assembly districts, because of the fact that said provisions of the Constitution provide that the Legislature *shall* at the next session after the completion of the census enumeration by the United States reapportion and divide the State into senatorial and assembly districts. The census taken under the direction of Congress of the United States was completed prior to the convening of the last regular session, which adjourned *sine die*.

The term "shall," as used in said Section 6, Article IV, is mandatory, and is expressly made so by the provisions of Section 22, Article I of said Constitution, and by reason thereof the Legislature at this time has no power or authority in law, or otherwise, to reapportion and divide the State into senatorial and assembly districts; and as a member of the Senate of the State of California, I object to the Legislature or to the Senate of this State, at this time, by reason of the foregoing, dividing or reapportioning the State of California into senatorial and assembly districts, or adopting any measure, resolution or law providing for the same, and I request and demand that these objections be enrolled upon the minutes of the Senate of the State of California.

JOHN P. HARE.

REPORT OF COMMITTEE ON FREE CONFERENCE.

On motion of Senator Boynton, the report of the Committee on Free Conference was taken up and read:

SENATE CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 66, Committee Substitute for Assembly Bills Nos. 19, 35, 37, and 43—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four, of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891; and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act—report that we have met a like committee of the Assembly, consisting of Assemblymen Bohnett, Jones and Judson, and we further report that a majority of such Free Conference Committee has approved and recommends for adoption the following amendments:

In the printed bill, as amended in Senate, December 19, 1911, strike out all of Sections 1 and 2, and insert in lieu thereof the following:

"SECTION 1. Section seventy-eight of the Political Code is hereby amended to read as follows:

78. The State is divided into forty senatorial districts, which shall be designated and constituted as follows:

1. The counties of Del Norte, Humboldt, Trinity and Tehama shall constitute the First Senatorial District.

2. The counties of Modoc, Siskiyou, Shasta and Lassen shall constitute the Second Senatorial District.

3. The counties of Plumas, Sierra, Nevada, Placer and El Dorado shall constitute the Third Senatorial District.

4. The counties of Mendocino, Colusa, Lake and Glenn shall constitute the Fourth Senatorial District.

5. The counties of Napa and Solano shall constitute the Fifth Senatorial District.

6. The counties of Butte, Yuba, Sutter and Yolo shall constitute the Sixth Senatorial District.

7. The county of Sacramento shall constitute the Seventh Senatorial District.

8. The county of Sonoma shall constitute the Eighth Senatorial District.

9. The counties of Marin and Contra Costa shall constitute the Ninth Senatorial District.

10. The counties of San Joaquin and Amador shall constitute the Tenth Senatorial District.

11. The counties of San Mateo, San Benito and Santa Cruz shall constitute the Eleventh Senatorial District.

12. The counties of Tuolumne, Mariposa, Stanislaus, Merced, Alpine, Mono, Madera and Calaveras shall constitute the Twelfth Senatorial District.

13. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the line dividing Oakland and Brooklyn townships intersects the northeasterly boundary line of the county of Alameda; thence southwesterly along said dividing line to the northeasterly boundary line of the city of Piedmont; thence southeasterly and southerly following the northern and eastern boundary line of the city of Piedmont to the southeasterly corner thereof; thence southwesterly along Thirteenth avenue to the center line of Fourteenth avenue; thence southerly along the center line of Fourteenth avenue to the center line of Lincoln street; thence easterly along the center line of Lincoln or East Thirty-first street to the center line of Twenty-third avenue; thence southerly along the center line of Twenty-third avenue to the center line of Sherman street, otherwise known as the old County Road; thence easterly along said old County Road to the center line of High street; thence easterly along center line of the Foothill Road, or County Road No. 3558, to the center line of Grand, or Ninetieth avenue; thence southwesterly along said line of Ninetieth avenue, crossing East Fourteenth street to the center line of "B", or Second street; thence easterly along said "B" street to the center line of Jones, or Ninety-eighth avenue; thence southerly along the center line of Jones, or Ninety-eighth avenue, to the center line of County Road No. 1995; thence southerly along center line of County Road No. 1995 to the line dividing Brooklyn and Eden townships; thence westerly along said township line to the line dividing Brooklyn and Alameda townships; thence southerly and westerly along the boundary line of Alameda township to the westerly boundary line of Alameda County; thence southerly along said westerly boundary line to its intersection with the northerly boundary line of Santa Clara County; thence easterly along the boundary line dividing Alameda and Santa Clara counties to a point which is the intersection of the boundary lines of the counties of Alameda, Santa Clara, Stanislaus and San Joaquin; thence northwesterly and

northerly along the boundary line between the counties of Alameda and San Joaquin to a point where the boundary line dividing the counties of Alameda and Contra Costa intersects the westerly boundary line of the county of San Joaquin; thence in a southwesterly and northwesterly direction along the boundary line between the counties of Alameda and Contra Costa to the point of beginning, shall constitute the Thirteenth Senatorial District.

14. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the westerly boundary line of the county of Alameda is intersected by the line dividing Oakland and Alameda townships; thence easterly along said dividing line to a point in Oakland harbor where said line is intersected by the line dividing Oakland and Brooklyn townships; thence northerly along the westerly boundary line of Brooklyn township, passing through the easterly arm of Lake Merritt and up Indian Gulch to the northeasterly boundary line of East Oakland Heights; thence southeasterly along said last boundary line to the center of Thirteenth avenue; thence northeasterly along center line of Thirteenth avenue, or County Road to Moraga Valley, to the center line of Fourteenth avenue; thence southerly along the center line of Fourteenth avenue to the center line of Lincoln street; thence easterly along the center line of Lincoln, or East Thirty-first street, to the center line of Twenty-third avenue; thence southerly along the center line of Twenty-third avenue to the center line of Sherman street, otherwise known as old County Road; thence easterly along said old County Road to the center line of High street; thence along the center line of Foothill Road, or County Road No. 3358, to the center line of Grand, or Ninetieth avenue; thence southerly along said line of Ninetieth avenue, crossing East Fourteenth street to "B", or Second street; thence easterly along said "B" street to the center line of Jones, or Ninety-eighth avenue; thence southerly along the center line of Jones, or Ninety-eighth avenue, to the center line of County Road No. 1995; thence southerly along center line of County Road No. 1995 to the line dividing Brooklyn and Eden townships; thence westerly along said township line to the line dividing Brooklyn and Alameda townships; thence southerly and westerly along the boundary line of Alameda township to the westerly boundary line of Alameda County; thence northwesterly along the westerly county boundary line to the southerly boundary line of Oakland township and the point of beginning, shall constitute the Fourteenth Senatorial District.

15. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the northern boundary line of the city of Berkeley intersects the northeasterly boundary line of the county of Alameda; thence westerly along said northern boundary line of the city of Berkeley to a point where the same is coincident with the center line of Eunice street; thence westerly along the center line of Eunice street to the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Adeline street; thence southerly along the center line of Adeline street to the northerly boundary line of the town of Emeryville; thence easterly, southerly and westerly following the boundary line of the town of Emeryville to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the northern boundary line of Alameda township; thence easterly along the northern boundary line of Alameda township to the westerly line of Brooklyn township, the same being a point in Oakland harbor; thence northerly along the westerly boundary line of Brooklyn township, passing through the easterly arm of Lake Merritt and up Indian Gulch to the northeasterly boundary line of East Oakland Heights; thence southeasterly along last said boundary line to the center line of Thirteenth avenue; thence northeasterly along the center line of Thirteenth avenue, or County Road to Moraga Valley, to the southeastern corner of the city of Piedmont; thence northerly and westerly following the easterly and northerly boundary lines of the city of Piedmont to the line dividing Brooklyn and Oakland townships; thence northeasterly along the last said township line to the boundary line of Alameda county; thence northwesterly along the county boundary line to the point of beginning, shall constitute the Fifteenth Senatorial District.

16. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the northerly boundary line of the city of Berkeley intersects the northeasterly boundary line of the county of Alameda; thence westerly along said northerly boundary line of the city of Berkeley to a point where the same is coincident with the center line of Eunice street; thence westerly along the center line of Eunice street to the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Adeline street; thence southerly along the center line of Adeline street to the northerly boundary line of the town of Emeryville; thence easterly, southerly and westerly, following the boundary line of the town of Emeryville to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the northerly boundary line of Alameda township; thence westerly along the line dividing Alameda and Oakland townships to the western boundary line of the county of Alameda; thence northerly along

the said county boundary line to the northern boundary line of the county of Alameda; thence easterly following the northern boundary line of the county of Alameda to the point of beginning, shall constitute the Sixteenth Senatorial District.

17. The counties of Monterey and San Luis Obispo shall constitute the Seventeenth Senatorial District.

18. All that portion of the city and county of San Francisco described as follows: Commencing at the point of intersection of Van Ness avenue and Market street, continuing thence along the center line of the following named streets, to wit: Market to the waters of the Bay of San Francisco; thence along the shore line northerly to Filbert street, Filbert to Leavenworth, Leavenworth to Broadway, Broadway to Van Ness avenue, Van Ness avenue to Market street, the place of beginning, together with all the waters of the Bay of San Francisco and the islands contained therein, situated within the boundaries of the city and county of San Francisco, shall constitute the Eighteenth Senatorial District.

19. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Maple and California streets, continuing thence along the center line of the following named streets: California to Baker, Baker to Pine, Pine to Laguna, Laguna to Sutter, Sutter street to Van Ness avenue, Van Ness avenue to Broadway, Broadway to Leavenworth, Leavenworth to Filbert, Filbert to the waters of the Bay of San Francisco; thence along the shore line of said bay northerly and westerly to the waters of the Pacific Ocean; thence along said shore line to Lobos Creek where the same enters into the Pacific Ocean; thence along the line of said creek and the southerly boundary line of the Presidio Reservation to Maple street, Maple to California, the place of beginning, shall constitute the Nineteenth Senatorial District.

20. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Pine and Laguna streets, continuing thence along the center line of the following named streets: Laguna to O'Farrell, O'Farrell street to St. Joseph avenue, St. Joseph avenue to Turk, Turk to Baker, Baker to Oak street, Oak street to Central avenue, Central avenue to Buena Vista avenue, Buena Vista avenue to Frederick street, Frederick to Clayton, Clayton street to Clarendon avenue, Clarendon avenue to Burnett avenue, Burnett avenue to Palo Alto avenue, Palo Alto avenue to the easterly line of the San Miguel Rancho; thence along said line northerly to a point opposite Seventeenth street; thence along said line of Seventeenth street, if extended, to Kirkham street, Kirkham street to Locksley avenue, Locksley avenue to the westerly line of San Miguel Rancho; thence along said line to Corbett avenue and Sloat boulevard; thence along said line of the Sloat boulevard to the waters of the Pacific Ocean; thence along the shore line of said ocean northerly and easterly to Lobos Creek; thence along the line of said creek and the southerly boundary line of the Presidio Reservation to Maple street, Maple to California, California to Baker, Baker to Pine, Pine to Laguna, the place of beginning, together with the islands known as the Farallon Islands, shall constitute the Twentieth Senatorial District.

21. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Twenty-first street with the center line of Dolores street; thence along the center line of the following named streets, to wit: Twenty-first street to San Carlos street, San Carlos street to Eighteenth street, Eighteenth street to Shotwell street, Shotwell street to Twenty-first street, Twenty-first street to Bryant avenue, Bryant avenue to Army street, Army street to Mission street, Mission street to Twenty-ninth street, Twenty-ninth street to Dolores street, Dolores street to point of beginning; and all that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Oak and Fillmore streets; thence along the center line of the following named streets: Fillmore street to Duboce avenue, Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to Dolores street, Dolores street to Twenty-second street, Twenty-second street to Grand View avenue, Grand View avenue to Dixie alley, Dixie alley to Burnett avenue, Burnett avenue to Corbett avenue, Corbett avenue to the westerly boundary line of the San Miguel Rancho; thence along the line of said San Miguel Rancho northeasterly to Locksley avenue, Locksley avenue to Kirkham street; thence along the line of Kirkham street, if extended, easterly to a point in the easterly boundary line of the San Miguel Rancho opposite Seventeenth street; thence along said line southerly to Palo Alto avenue, Palo Alto avenue to Burnett avenue, Burnett avenue to Clarendon avenue, Clarendon avenue to Clayton street, Clayton street to Frederick street, Frederick street to Buena Vista avenue, Buena Vista avenue to Central avenue, Central avenue to Oak street, Oak street to Fillmore street, the place of beginning, and the following described portion of the city and county of San Francisco, to wit: Commencing at the point of intersection of the center line of Bryant avenue with the center line of Twenty-first street; thence along the center line of the following named streets, to wit: Bryant avenue to Army street, Army street to Connecticut street, Connecticut street to Twentieth street, Twentieth street to Bryant avenue, Bryant avenue to the point of beginning, shall constitute the Twenty-first Senatorial District.

22. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Twenty-first street and Bryant avenue, continuing

thence along the center line of the following named streets: Bryant avenue to Eleventh street, Eleventh to Market, Market street to Van Ness avenue, Van Ness avenue to Sutter street, Sutter street to Laguna, Laguna to O'Farrell, O'Farrell street to St. Joseph avenue, St. Joseph avenue to Turk street, Turk to Baker, Baker to Oak, Oak to Fillmore, Fillmore to Duboce avenue, Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to San Carlos street, San Carlos street to Eighteenth street, Eighteenth street to Shotwell street, Shotwell street to Twenty-first street, Twenty-first street to Bryant avenue, the place of beginning, shall constitute the Twenty-second Senatorial District.

23. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Market street with the center line of Eleventh street; thence along the center line of the following named streets, to wit: Eleventh street to Bryant avenue, Bryant avenue to Twentieth street, Twentieth street to the Bay of San Francisco; thence northerly along the shore line of said bay to its intersection with the center line of Market street; thence along the center line of Market street to the point of beginning, and the following described portion of the city and county of San Francisco: Commencing at the point of intersection of the center line of Twentieth street with the center line of Connecticut street; thence along the center line of the following named streets, to wit: Connecticut street to Army street, Army street to San Bruno avenue, San Bruno avenue to the boundary line between the city and county of San Francisco and the county of San Mateo; thence easterly along said boundary line to the shore line of the bay of San Francisco; thence northerly along said shore line to its intersection with the center line of Twentieth street; thence along the center line of Twentieth street to the point of beginning, shall constitute the Twenty-third Senatorial District.

24. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Dolores and Twenty-ninth streets; thence along the center line of the following named streets, to wit: Twenty-ninth to Mission, Mission to Army, Army to San Bruno avenue, San Bruno avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo; thence along said boundary line westerly to San Jose avenue, San Jose avenue to Dolores street, Dolores street to Twenty-ninth street, the place of beginning; and all that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Twenty-second and Dolores streets; thence along the center line of the following named streets: Dolores street to San Jose avenue, San Jose avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo; thence along said boundary line westerly to the intersection of the waters of the Pacific Ocean; thence along the shore line of said ocean northerly to the Sloat boulevard; thence along Sloat boulevard to Corbett avenue, Corbett avenue to Burnett avenue, Burnett avenue to Dixie alley, Dixie alley to Grand View avenue, Grand View avenue to Twenty-second street, Twenty-second to Dolores street, the place of beginning, shall constitute the Twenty-fourth Senatorial District.

25. The counties of Ventura and Santa Barbara shall constitute the Twenty-fifth Senatorial District.

26. The county of Fresno shall constitute the Twenty-sixth Senatorial District.

27. All that portion of the county of Santa Clara not included in the Twenty-eighth Senatorial District, as designated and constituted by this section, shall constitute the Twenty-seventh Senatorial District.

28. All that portion of the county of Santa Clara embraced within the following precincts, as constituted at the general election in nineteen hundred ten, to wit: Agnews, that part of Alameda precinct lying north of the center line of Park avenue, Alviso, Berryessa, Burbank, that part of Crandalville precinct number one lying outside of the city limits of the city of San Jose, as established in 1911, Cupertino, East San Jose number two, Fremont, Jefferson, Mayfield, Milpitas numbers one and two, Mountain View numbers one and two, Mount Hamilton, Orchard, Palo Alto numbers one, two, three, four and five, Purissima, San Jose numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve, Santa Clara numbers one, two, three and four, Saratoga, Stanford, Stockton, Sunnyvale numbers one and two, and University numbers one and two, shall constitute the Twenty-eighth Senatorial District.

29. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of the north patent boundary line of the city of Los Angeles with the center line of the Los Angeles River; thence southeasterly and southerly along the center line of the Los Angeles River and the center line of the official bed of the Los Angeles River to its intersection with the center line of North Broadway from the east; thence along the center line of the following named streets, to wit: North Broadway to Daly street, Daly street to Mission road, Mission road to Gallardo street, Gallardo street to Macy street, Macy street to Brooklyn avenue, Brooklyn avenue to Pleasant avenue, Pleasant avenue to First street, First street to Pecan street, Pecan street to Fifth street, Fifth street to Glass street, Glass street to Sixth street, Sixth street and its extension westerly along the line of Assembly District number sixty-five, as designated and constituted by section ninety of this Code, to the

center line of the official bed of the Los Angeles River; thence southerly along the line last mentioned and the prolongation thereof to the south boundary line of the city of Los Angeles; thence westerly along the line last mentioned to the center line of Alameda street, Alameda street to Twentieth street, Twentieth street to Compton avenue, Compton avenue to Twenty-first street, Twenty-first street to Central avenue, Central avenue to Twenty-first street from the west, Twenty-first street to Maple avenue, Maple avenue to Eleventh street, Eleventh street to Wall street, Wall street to Fifth street, Fifth street to Hill street, Hill street to Temple street, Temple street to Hill street, Hill street to Sunset boulevard, Sunset boulevard to Hill street, Hill street to Alpine street, Alpine street to Cleveland street, Cleveland street to College street, College street to Adobe street, Adobe street to Look Out Drive, Look Out Drive to Park Terrace, Park Terrace to Sunset boulevard, Sunset boulevard to Echo Park avenue, Echo Park avenue and the prolongation thereof to the north patent boundary of the city of Los Angeles; thence easterly along the line last mentioned to the place of beginning, shall constitute the Twenty-ninth Senatorial District.

30. The counties of San Bernardino and Inyo shall constitute the Thirtieth Senatorial District.

31. All that portion of the county of Los Angeles embraced within and comprising the Seventy-first and Seventy-second Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Thirty-first Senatorial District.

32. The counties of Kings, Tulare and Kern shall constitute the Thirty-second Senatorial District.

33. All that portion of the county of Los Angeles embraced within and comprising the Sixty-eighth and Seventieth Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Thirty-third Senatorial District.

34. All that portion of the county of Los Angeles embraced within and comprising the Sixty-second Assembly District, as designated and constituted by section ninety of this Code and all that portion of said county bounded as follows: Commencing at the intersection of the center line of Washington street and Hoover street, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Hoover street to Pico street, Pico street to Hoover street, Hoover street to Carondelet street, Carondelet street to Ninth street, Ninth street to Hoover street, Hoover street to Seventh street, Seventh street to Vermont avenue, Vermont avenue to Melrose avenue, Melrose avenue to the west patent boundary line of said city; thence north along said patent boundary line to the northwest corner of said city as described in the United States patent; thence east along the north patent boundary of said city to the easterly line of that portion of Tropico precinct number two annexed to said city prior to November 1, 1911; thence northwesterly, westerly and southerly following the exterior lines of those portions of Tropico precincts numbers one and two, and of Ivanhoe precinct so annexed to said city, to the north line of the former city of Hollywood, the same being a point in the present north boundary line of the city of Los Angeles; thence following the boundary line of said city of Los Angeles westerly, southerly, westerly, southerly, westerly, southerly, easterly, southerly, easterly and southerly to the center line of Washington street; thence east along said center line to the point of beginning, shall constitute the Thirty-fourth Senatorial District.

35. All that portion of the county of Los Angeles embraced within and comprising the Sixty-sixth and Sixty-ninth Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Thirty-fifth Senatorial District.

36. All that portion of the county of Los Angeles embraced within and comprising the Sixty-seventh Assembly District as designated and constituted by section ninety of this code, and all that portion of said county embraced within and comprising the Sixty-first Assembly District, as so designated and constituted, excepting therefrom that portion of said Sixty-first Assembly District situate within the city of Los Angeles and lying west of the following described lines, to wit: Beginning at the intersection of the north patent boundary line of said city with the center line of the Los Angeles River; thence southeasterly and southerly along the center line of the Los Angeles River and the center line of the official bed of the Los Angeles River to its intersection with the center line of North Broadway from the east, shall constitute the Thirty-sixth Senatorial District.

37. All that portion of the county of Los Angeles described as follows: Beginning at the intersection of the center lines of Wall street and Fifth street, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Fifth street to Hill street, Hill street to Temple street, Temple street to Hill street, Hill street to Sunset boulevard, Sunset boulevard to Hill street, Hill street to Alpine street, Alpine street to Cleveland street, Cleveland street to College street, College street to Adobe street, Adobe street to Look Out Drive, Look Out Drive to Park Terrace, Park Terrace to Sunset boulevard, Sunset boulevard to Echo Park avenue, Echo Park avenue and the prolongation thereof to the north patent boundary line of the city of Los Angeles; thence west along said boundary line to the

northwest corner of said city as described in the United States patent; thence south along the west patent boundary line of said city to the center line of Melrose avenue; thence along the center line of the following named streets, to wit: Melrose avenue to Vermont avenue, Vermont avenue to Seventh street, Seventh street to Hoover street, Hoover street to Ninth street, Ninth street to Blaine street, Blaine street to Tenth street, Tenth street to Georgia street, Georgia street to Ottawa street, Ottawa street to Figueroa street, Figueroa street to Eleventh street, Eleventh street to Wall street, Wall street to Fifth street, the place of beginning, shall constitute the Thirty-seventh Senatorial District.

38. All that portion of the county of Los Angeles bounded as follows: Beginning at the intersection of the center line of Maple street and Eleventh street, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Eleventh street to Figueroa street, Figueroa street to Ottawa street, Ottawa street to Georgia street, Georgia street to Tenth street, Tenth street to Blaine street, Blaine street to Ninth street, Ninth street to Carondelet street, Carondelet street to Hoover street, Hoover street to Pico street, Pico street to Hoover street, Hoover street to Jefferson street, Jefferson street to Figueroa street, Figueroa street to Vernon avenue, Vernon avenue to McKinley avenue or the northerly prolongation of McKinley avenue from the south, McKinley avenue and said prolongation to Fifty-first street, Fifty-first street to Central avenue, Central avenue to Fifty-first street, Fifty-first street to Hooper avenue, Hooper avenue to Fifty-first street, Fifty-first street and the easterly prolongation thereof to a point in the easterly boundary line of the city of Los Angeles; thence in a northerly direction along said boundary line to the southerly charter boundary line of the city of Los Angeles where the same intersects the center line of Alameda street, Alameda street to Twentieth street, Twentieth street to Compton avenue, Compton avenue to Twenty-first street, Twenty-first street to Central avenue, Central avenue to Twenty-first street from the west; Twenty-first street to Maple avenue, Maple avenue to Eleventh street, the place of beginning, shall constitute the Thirty-eighth Senatorial District.

39. The counties of Riverside, Orange and Imperial shall constitute the Thirty-ninth Senatorial District.

40. The county of San Diego shall constitute the Fortieth Senatorial District.

SEC. 2. Section ninety of the Political Code is hereby amended to read as follows:

90. The State is hereby divided into eighty Assembly districts, respectively numbered and constituted as follows:

1. The counties of Del Norte and Siskiyou shall constitute the First Assembly District.

2. The county of Humboldt shall constitute the Second Assembly District.

3. The counties of Shasta and Trinity shall constitute the Third Assembly District.

4. The counties of Plumas, Lassen, Modoc and Sierra shall constitute the Fourth Assembly District.

5. The counties of Tehama, Glenn and Colusa shall constitute the Fifth Assembly District.

6. The county of Mendocino shall constitute the Sixth Assembly District.

7. The county of Butte shall constitute the Seventh Assembly District.

8. The counties of Yuba, Sutter and Yolo shall constitute the Eighth Assembly District.

9. The counties of Nevada and Placer shall constitute the Ninth Assembly District.

10. The county of Solano shall constitute the Tenth Assembly District.

11. The counties of Napa and Lake shall constitute the Eleventh Assembly District.

12. All that portion of the county of Sonoma comprising the following election precincts of nineteen hundred and ten, to wit: Bloomfield, Blocher, Bodoga, Cazadero, Cotati, Dry Creek, Duncan's Mills, Forestville, Freestone, Graton, Healdsburg City numbers 1 to 4 inclusive, Healdsburg Road, Lakeville, Magnolia, Marin, Mendocino, Molino, Occidental, Pennsgrrove, Petaluma numbers one to seven inclusive, East Redwood, West Redwood, Sebastopol numbers one and two, Skagg's Spring, Stewart's Point, Table Mountain, Timber Cove, Valley Ford, and Wilson, shall constitute the Twelfth Assembly District.

13. All that portion of the county of Sonoma not embraced in the Twelfth Assembly District shall constitute the Thirteenth Assembly District.

14. All that portion of the county of Sacramento, composed of that part of the city of Sacramento lying north of the center of "K" street, and east of the center of Thirty-first street, and all that portion of said Sacramento County included within the boundaries of "American Township," "Brighton Township," "Center Township," "Granite Township," "Mississippi Township," "Natoma Township," and "Sutter Township," as said townships existed on the first day of January, 1911, shall constitute the Fourteenth Assembly District.

15. All that portion of the county of Sacramento not included in the Fourteenth Assembly District shall constitute the Fifteenth Assembly District.

16. The counties of Amador, El Dorado, Alpine and Calaveras shall constitute the Sixteenth Assembly District.

17. The county of Marin shall constitute the Seventeenth Assembly District.

18. The county of Contra Costa shall constitute the Eighteenth Assembly District.

19. All that portion of the county of San Joaquin not included in the Twentieth District shall constitute the Nineteenth Assembly District.

20. All that portion of the county of San Joaquin comprising the city of Stockton shall constitute the Twentieth Assembly District.

21. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Market street with the center line of Eleventh street; thence along the center line of the following named streets, to wit: Eleventh street to Bryant avenue, Bryant avenue to Twentieth street, Twentieth street to the waters of the Bay of San Francisco; thence northerly along the shore line of said bay to its intersection with the center line of Market street; thence along the center line of Market street to the point of beginning, shall constitute the Twenty-first Assembly District.

22. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Twentieth street with the center line of Bryant avenue, continuing thence along the center line of the following named streets, to wit: Bryant avenue to Army street, Army street to San Bruno avenue, San Bruno avenue to the boundary line between the city and county of San Francisco and the county of San Mateo; thence easterly along said boundary line to the Bay of San Francisco; thence northerly along the shore line of the Bay of San Francisco to its intersection with the center line of Twentieth street; thence along the center line of Twentieth street to the point of beginning, shall constitute the Twenty-second Assembly District.

23. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Dolores and Twenty-ninth streets; thence along the center line of the following named streets, to wit: Twenty-ninth to Mission, Mission to Army, Army to San Bruno avenue, San Bruno avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo; thence along said boundary line westerly to the center line of San Jose avenue; thence along the center lines of the following named streets, to wit: San Jose avenue to Dolores street, Dolores street to Twenty-ninth street, the place of beginning, shall constitute the Twenty-third Assembly District.

24. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Twenty-second and Dolores streets; thence along the center line of the following named streets, to wit: Dolores to San Jose avenue, San Jose avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo, thence along said boundary line, westerly, to the waters of the Pacific Ocean; thence along the shore line of said ocean northerly, to the Sloat boulevard; thence along the center lines of the following named streets, to wit: Sloat boulevard to Corbett avenue, Corbett avenue to Burnett avenue, Burnett avenue to Dixie alley, Dixie alley to Grand View avenue, Grand View avenue to Twenty-second street, Twenty-second street to Dolores, the place of beginning, shall constitute the Twenty-fourth Assembly District.

25. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Eighteenth street and Dolores street, continuing along the center lines of the following named streets, to wit: Dolores to Twenty-ninth, Twenty-ninth to Mission, Mission to Army, Army to Bryant avenue, Bryant avenue to Eighteenth street, Eighteenth to Harrison, Harrison to Eighteenth, Eighteenth to Dolores, the point of commencement, shall constitute the Twenty-fifth Assembly District.

26. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of McAllister and Fillmore streets, continuing thence along the center line of the following named streets, to wit: Fillmore street to Duboce avenue, Duboce avenue to Church street, Church street to Eighteenth, Eighteenth to Dolores, Dolores to Twenty-second, Twenty-second to Grand View avenue, Grand View avenue to Dixie alley, Dixie alley to Burnett avenue, Burnett avenue to Clarendon avenue, Clarendon avenue to Clayton street, Clayton to Ashbury, Ashbury to Piedmont, Piedmont to Masonic avenue, Masonic avenue to Java street, Java street to Buena Vista avenue, Buena Vista avenue to Central avenue, Central avenue to Oak street, Oak street to Masonic avenue, Masonic avenue to McAllister street, McAllister street to Fillmore street, the place of beginning, shall constitute the Twenty-sixth Assembly District.

27. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Fulton street and Masonic avenue; thence along the center line of the following named streets, to wit: Masonic avenue to Oak street, Oak street to Central avenue, Central avenue to Buena Vista avenue, Buena Vista avenue to Java street, Java street to Masonic avenue, Masonic avenue to Piedmont street, Piedmont street to Ashbury street, Ashbury street to Clayton street, Clayton street to Clarendon avenue, Clarendon avenue to Burnett avenue, Burnett avenue to Corbett avenue, Corbett avenue to Sloat boulevard, Sloat boulevard to the waters of the Pacific Ocean; thence along the shore line of said ocean northerly to Fulton street, Fulton street to Masonic avenue, the place of beginning, shall constitute the Twenty-seventh Assembly District.

28. All that portion of the city and county of San Francisco bounded as follows:

Commencing at the corner of intersection of Fulton street and Parker street, thence along the eastern line of the following named streets, to wit: Parker street to California street, California street to Market street, Market street to the southern line of the Pacific Reclamation, thence easterly along the westerly boundary of the Pacific Reclamation to Jones Creek, thence along the center line of Jones Creek to the waters of the Pacific Ocean, thence southerly and westerly along the said shore line to Fulton street, Fulton street to Pacific avenue, the point of beginning, together with the islands lying on the Pacific Ocean, shall constitute the Twenty-first Assembly District.

20. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Market street and Van Ness avenue, thence along the center line of the following named streets, to wit: Van Ness avenue to Market street, Market street to Franklin street, Franklin street to Broadway street, Broadway street to Montgomery street, Montgomery street to Harrison street, Harrison street to Hightower street, Hightower street to Church street, Church street to Fulton avenue, Fulton avenue to Franklin street, Franklin street to Montgomery street, Montgomery street to Van Ness avenue, the place of beginning, shall constitute the Twenty-second Assembly District.

21. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Pine street and Van Ness avenue, thence along the center line of the following named streets, to wit: Van Ness avenue to Madison street, Madison street to Market street, Market street to Fulton street, Fulton street to Franklin street, Franklin street to Pine street, Pine street to Van Ness avenue, the point of beginning, shall constitute the Twenty-third Assembly District.

22. All that portion of the city and county of San Francisco bounded as follows: Commencing at the corner of intersection of Pine street and Van Ness avenue, thence along the center line of the following named streets, to wit: Van Ness avenue to the city of San Francisco, thence along the shore line as said line to the waters of the Pacific Ocean, thence along the shore line of said line to Fulton Avenue, thence along the line of said Fulton Avenue to the westerly boundary line of Pacific Reclamation, thence southerly and westerly along the said shore line to Pine street, Pine street to Van Ness avenue, the point of beginning, shall constitute the Twenty-fourth Assembly District.

23. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Van Ness avenue and Market street, thence along the center line of the following named streets, to wit: Van Ness avenue to the corner of the city of San Francisco, thence southerly along the shore line as said line to Jones street, Jones street to Fulton street, Fulton street to Market street, Market street to Van Ness avenue, the point of beginning, shall constitute the Twenty-fifth Assembly District.

24. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Market street and Jones street, thence along the center line of the following named streets, to wit: Jones street to East Jones street, East Jones street to Fulton street, Fulton street to Market street, Market street to Jones street, the point of beginning, and the islands of the Bay of San Francisco within the city and county of San Francisco, shall constitute the Twenty-sixth Assembly District.

25. All that portion of the county of Alameda lying easterly of a line described as follows: Beginning at a point where the boundary line between Elgin and Alameda townships intersects the westerly boundary line of Alameda County, thence easterly and northerly along the boundary line of Alameda township to the line dividing Berkeley and Elgin townships, thence easterly along the boundary line between Elgin and Berkeley townships to the southeasterly boundary line of the town of San Leandro, thence northerly and easterly along said boundary line to the corner of East Fourteenth street, thence northerly following along the center line of East Fourteenth street to the center line of Moss avenue, in the city of Oakland, thence northerly along the center line of Moss avenue and a direct extension of said center line to the southeasterly boundary line of the city of Oakland, thence following the said northerly boundary line of the city of Oakland in a northwesterly direction to its intersection with the northerly boundary line of the county of Alameda, shall constitute the Twenty-seventh Assembly District.

26. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the boundary line between Elgin and Alameda townships intersects the westerly boundary line of the county of Alameda, thence in an easterly and northerly direction along the boundary line of Alameda township to the line dividing Berkeley and Elgin townships, thence in an easterly direction along the boundary line between Elgin and Berkeley townships to the southeasterly boundary line of the town of San Leandro, thence northerly and easterly following the said town line to the center line of East Fourteenth street, thence northwesterly follow-

ing the center line of East Fourteenth street and an extension of the same to its intersection with the line dividing Brooklyn and Oakland townships, said point being in Lake Merritt; thence southwesterly along said township line to its intersection with the northerly boundary line of Alameda township; thence westerly following along the said northerly boundary line of Alameda township to its intersection with the westerly boundary line of Alameda County; thence southeasterly along said county boundary line to the point of beginning, shall constitute the Thirty-fifth Assembly District.

36. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Thirteenth avenue is intersected by the center line of East Fourteenth street, in the city of Oakland; thence northwesterly along the center line of East Fourteenth street and an extension of said center line to a point where the same intersects the westerly boundary line of Brooklyn township, in Lake Merritt; thence northeasterly following along the boundary line between Brooklyn and Oakland townships to the southerly boundary line of the city of Piedmont; thence easterly, northerly and westerly following the said boundary line of the city of Piedmont to the line dividing Oakland and Brooklyn townships; thence northeasterly along said dividing line between Oakland and Brooklyn townships to its intersection with the northeasterly boundary line of the city of Oakland; thence southeasterly following said city boundary line to a point where the same would be intersected by a direct extension northeasterly of the center line of Moss avenue; thence southwesterly along said extension and along the center line of Moss avenue to the center line of East Fourteenth street; thence northwesterly along the center line of East Fourteenth street to the center line of Thirteenth avenue and the point of beginning, shall constitute the Thirty-sixth Assembly District.

37. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Broadway is intersected by the center line of Thirteenth street, in the city of Oakland; thence southeasterly along the center line of Thirteenth street and a direct extension of said center line to its intersection with the line dividing Brooklyn and Oakland townships; thence northeasterly following along the line dividing Brooklyn and Oakland townships to a point in the southerly boundary line of the city of Piedmont; thence easterly, northerly and westerly, following the southern, eastern and northern boundary line of the city of Piedmont to its intersection with the eastern boundary line of the city of Oakland, as the same existed prior to the annex of 1909; thence northwesterly along the easterly boundary line of the city of Oakland, as the same existed prior to the annex of 1909, to its intersection with the center line of Broadway; thence southerly along the center line of Broadway to the center line of Fifty-first, or Vernon street; thence westerly following along the center line of Fifty-first street to the center line of Shattuck avenue; thence southerly along the center line of Shattuck avenue to the center line of Temescal Creek; thence westerly down the center of Temescal Creek to the center of Grove street; thence southerly along the center of Grove street to the center of San Pablo avenue; thence southerly along the center of San Pablo avenue to the center of Broadway; thence southerly along the center of Broadway to the center of Thirteenth street, and point of beginning, shall constitute the Thirty-seventh Assembly District.

38. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Adeline street is intersected by the center line of Twenty-second street in the city of Oakland; thence easterly along the center line of Twenty-second street to the center line of Grove street; thence southerly along the center line of Grove street to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the center line of Thirteenth street; thence easterly along the center line of Thirteenth street and a direct extension of said center line to its intersection with the line dividing Brooklyn and Oakland townships; thence southerly along the line dividing Oakland and Brooklyn townships to the line dividing Oakland and Alameda townships; thence westerly along the line dividing Oakland and Alameda townships to a point where a direct extension of the center line of Adeline street would intersect the same; thence northerly along said extension and along the center line of Adeline street to the point of beginning, shall constitute the Thirty-Eighth Assembly District.

39. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Adeline street is intersected by the center line of Twenty-second street in the city of Oakland; thence easterly along the center line of Twenty-second street to the center line of Grove street; thence northerly along the center line of Grove street to the center of Temescal Creek; thence westerly down the center of Temescal Creek to the town of Emeryville; thence westerly and northerly following the boundary line of the town of Emeryville to the southerly boundary line of the city of Berkeley; thence westerly along the southerly boundary line of the city of Berkeley and a direct extension of same to its intersection with the westerly boundary line of Alameda County; thence southerly along the westerly boundary line of Alameda County to its intersection with the line

dividing Oakland and Alameda townships; thence easterly along the line dividing Oakland and Alameda townships to a point where a direct extension of the center line of Adeline street would intersect the same; thence northerly along said extension and along the center line of Adeline street to the center line of Twenty-second street and the point of beginning, shall constitute the Thirty-ninth Assembly District.

40. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the easterly boundary line of the town of Emeryville is intersected by the southerly boundary line of the city of Berkeley; thence southerly and easterly along the boundary line of the town of Emeryville to a corner thereof, the same being in the center of Temescal Creek; thence up the center of Temescal Creek to the center line of Shattuck avenue; thence northerly along the center line of Shattuck avenue to the center line of Russell street; thence westerly along the center line of Russell street to the center line of Milvia street; thence northerly along the center line of Milvia street to the center line of Codornices Creek; thence westerly down the center of Codornices Creek to the easterly boundary line of the town of Albany; thence northerly along the easterly boundary line of the town of Albany to the northern boundary of the county of Alameda; thence westerly and southerly along the northern and western boundary line of the county of Alameda to a point where said boundary line would be intersected by a direct extension westerly of the southerly boundary line of the city of Berkeley; thence easterly along said extension and along the southerly boundary line of the city of Berkeley to the point of beginning, shall constitute the Fortieth Assembly District.

41. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Shattuck avenue is intersected by the center line of Fifty-first street or Vernon street, in the city of Oakland; thence easterly along the center line of Fifty-first or Vernon street to the center line of Broadway; thence northeasterly along the center line of Broadway to its intersection with the northeasterly boundary line of the city of Oakland, as the same existed prior to the annex of 1909; thence southeasterly along said boundary line of the city of Oakland as the same existed prior to the annex of 1909 to its intersection with the northerly boundary line of the city of Piedmont; thence easterly following the northerly boundary line of the city of Piedmont to its intersection with the boundary line dividing Brooklyn and Oakland townships; thence northeasterly along the line dividing Brooklyn and Oakland townships to its intersection with the northeasterly boundary line of Alameda County; thence northwesterly and westerly following along the county boundary line to its intersection with the easterly boundary line of the town of Albany; thence southerly along the easterly boundary line of the town of Albany to its intersection with the center of Codornices Creek; thence easterly up the center of Codornices Creek to its intersection with the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Russell street; thence easterly along the center line of Russell street to the center line of Shattuck avenue; thence southerly along the center line of Shattuck avenue to the center line of Fifty-first or Vernon street and the point of beginning, shall constitute the Forty-first Assembly District.

42. The county of San Mateo shall constitute the Forty-second Assembly District.

43. The county of Santa Cruz shall constitute the Forty-third Assembly District.

44. All that portion of the county of Santa Clara not included in the Forty-fifth Assembly District shall constitute the Forty-fourth Assembly District.

45. All that portion of the county of Santa Clara embraced within the following precincts, as constituted at the general election in 1910, to wit: Agnew, that part of Alameda precinct lying north of the center line of Park avenue, Alviso, Berryessa, Burbank, that part of Crandalville precinct number one lying outside of the city limits of the city of San Jose, as established in 1911, Cupertino, East San Jose number two, Fremont, Jefferson, Mayfield, Milpitas (numbers one and two), Mountain View (numbers one and two), Mount Hamilton, Orchard, Palo Alto (numbers one to five, inclusive), Purissima, San Jose (numbers one to twelve, inclusive), Santa Clara (numbers one to four, inclusive), Saratoga, Stanford, Stockton, Sunnyvale (numbers one and two), and University (numbers one and two), shall constitute the Forty-fifth Assembly District.

46. The county of Stanislaus shall constitute the Forty-sixth Assembly District.

47. The counties of Mariposa, Tuolumne, Mono and Inyo shall constitute the Forty-seventh Assembly District.

48. The counties of Monterey and San Benito shall constitute the Forty-eighth Assembly District.

49. The counties of Merced and Madera shall constitute the Forty-ninth Assembly District.

50. All that portion of the county of Fresno comprising the precincts of Black Mountain, Balfour, Barstow, Bryant, Cantua, Central Colony, Coalinga No. 1, Coalinga No. 2, Coalinga No. 3, Coalinga No. 4, Coalinga No. 5, Crescent, Chicago, Fresno Colony, Fowler, Firebaugh, Houghton, Huron, Iowa, Jameson, Kerman, Kingsburg, Layton, Laguna, Liberty, Lewis Creek, Lucern, Madison, Mendota, Monroe, New Hope, Oleander, Panoche, Pleasant Valley, Terry, Washington Colony, Wildflower, Warthan, and West Park, shall constitute the Fiftieth Assembly District.

51. All that portion of the county of Fresno included in and comprising Fresno

City precincts numbered one to twenty-five, both inclusive, and the precincts of Hedges, Belmont, Arlington and East Fresno, shall constitute the Fifty-first Assembly District.

52. All that portion of the county of Fresno not included in the Fiftieth and Fifty-first Assembly Districts, shall constitute the Fifty-second Assembly District.

53. The county of San Luis Obispo shall constitute the Fifty-third Assembly District.

54. The county of Kings shall constitute the Fifty-fourth Assembly District.

55. The county of Tulare shall constitute the Fifty-fifth Assembly District.

56. The county of Kern shall constitute the Fifty-sixth Assembly District.

57. All that portion of the county of San Bernardino now comprised within the following townships, to wit: Chino, Ontario, Upland, Cucamonga, Etiwanda, San Bernardino, Hesperia, Oro Grande, and Barstow, shall constitute the Fifty-seventh Assembly District.

58. All that portion of the county of San Bernardino not included within the Fifty-seventh Assembly District, as fixed and defined in this Act, shall constitute the Fifty-eighth Assembly District.

59. The county of Santa Barbara shall constitute the Fifty-ninth Assembly District.

60. The county of Ventura shall constitute the Sixtieth Assembly District.

61. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: La Liebre, Del Sur, Lancaster, Palmdale, Acton, Newhall, San Fernando, Chatsworth, Calabasas, Lankershim, La Cañada, Sunland, Burbank, Glendale City, Eagle Rock, Annandale, Hermon, that part of Ivanhoe and of Tropico numbers one and two not included within the city of Los Angeles, as the boundaries of said city existed November 1, 1911, and the following described portion of the city of Los Angeles: Beginning at the northeast corner of said city as described in the United States patent; thence following the exterior boundary line of said city as the same existed November 1, 1911, north, northeasterly, easterly, northerly and easterly in a general northeasterly direction to the extreme northeastern corner of said city; thence along the north line of said city west, southwest and southerly following such exterior boundary line of said city to the north patent boundary thereof; thence along the same west to the center line of Alvarado street; thence along the center line of the following named streets, to wit: Alvarado street to Sunset boulevard, Sunset boulevard to Park Terrace, Park Terrace to Look Out Drive, Look Out Drive to Adobe street, Adobe street to Bernardo street, Bernardo street to North Broadway, North Broadway (crossing the official bed of the Los Angeles River) to Daly street, Daly street to Pasadena avenue, Pasadena avenue to Avenue 35, Avenue 35 to Griffin avenue, Griffin avenue and its extension to the north patent boundary line of said city; thence east along said line to the place of beginning, shall constitute the Sixty-first Assembly District.

62. All that portion of the county of Los Angeles included within and comprising the following election precincts of nineteen hundred ten, to wit: Redondo Beach City numbers one and two, Hermosa Beach City, Wiseburn, Inglewood City, Freeman, Del Rey, Ocean Park City numbers one, two and three, Moneta, Howard, Ballona, Cienega, Santa Monica City numbers one, two, three, four, five, six, seven, eight and nine, Malibu, National Military Home numbers one, two, three, four, five and six, Sawtelle City numbers one, two and three, and Sherman, shall constitute the Sixty-second Assembly District.

63. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of the center lines of Washington and Hoover streets, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Hoover street to Pico street, Pico street to Hoover street, Hoover street to Carondelet street, Carondelet street to Ninth street, Ninth street to Hoover street, Hoover street to Benton boulevard, Benton boulevard to Sixth street, Sixth street to Hoover street, Hoover street to Occidental boulevard, Occidental boulevard to First street, First street to Occidental boulevard, Occidental boulevard to Sunset boulevard, Sunset boulevard to Alvarado street, Alvarado street to the north patent boundary of said city; thence along the same east to the easterly line of that portion of Tropico precinct number two annexed to said city prior to November 1, 1911; thence northwesterly, westerly and southerly, following the exterior lines of those portions of Tropico precincts numbers one and two, and of Ivanhoe precinct, so annexed to said city, to the north line of the former city of Hollywood, the same being a point in the present north boundary line of the city of Los Angeles; thence following the boundary line of said city of Los Angeles westerly, southerly, westerly, southerly, westerly, southerly, easterly, southerly, easterly and southerly to the center line of Washington street; thence east along said center line to the point of beginning, shall constitute the Sixty-third Assembly District.

64. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of Hill and Seventh streets, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Hill street to Temple street, Temple street to Hill street, Hill street to Sunset boulevard, Sunset boulevard to Hill street, Hill street to Alpine street, Alpine street to Cleveland street, Cleveland

street to College street, College street to Adobe street, Adobe street to Look Out Drive, Look Out Drive to Park Terrace, Park Terrace to Sunset boulevard, Sunset boulevard to Occidental boulevard, Occidental boulevard to First street, First street to Occidental boulevard, Occidental boulevard to Hoover street, Hoover street to Sixth street, Sixth street to Benton boulevard, Benton boulevard to Hoover street, Hoover street to Seventh street, Seventh street to Hill street, the point of beginning, shall constitute the Sixty-fourth Assembly District.

65. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of the center lines of North Broadway and Daly street, in the city of Los Angeles; thence along the center lines of the following named streets, to wit: North Broadway (crossing the official bed of the Los Angeles River) to Bernardo street, Bernardo street to Adobe street, Adobe street to College street, College street to Cleveland street, Cleveland street to Alpine street, Alpine street to Hill street, Hill street to Sunset boulevard, Sunset boulevard to Hill street, Hill street to Temple street, Temple street to Hill street, Hill street to Fifth street, Fifth street to Central avenue, Central avenue to Sixth street, Sixth street and its easterly extension to the intersection with the center line of Glass street, Glass street to Fifth street, Fifth street to Pean street, Pean street to First street, First street to Pleasant avenue, Pleasant avenue to Brooklyn avenue, Brooklyn avenue to Macy street, Macy street to Gallardo street, Gallardo street to Mission Road, Mission Road to Daly street, Daly street to North Broadway, the point of beginning, shall constitute the Sixty-fifth Assembly District.

66. All that portion of the county of Los Angeles bounded as follows: Commencing at the north-eastern corner of the city of Los Angeles, as the same is described in the United States patent; thence westerly along the northern patent boundary line of said city to the center line of Griffin avenue, or the northerly prolongation thereof; thence along the northerly prolongation of said center line and along the center line of the following named streets, to wit: Griffin avenue to Avenue 35, Avenue 35 to Pasadena avenue, Pasadena avenue to Daly street, Daly street to Mission Road, Mission Road to Gallardo street, Gallardo street to Macy street, Macy street to Brooklyn avenue, Brooklyn avenue to Pleasant avenue, Pleasant avenue to First street, First street to Pean street, Pean street to Fifth street, Fifth street to Glass street, Glass street to Sixth street, Sixth street and its extension westerly, along the line of Assembly District Number Sixty-five, as constituted and designated by this section, to the center line of the official bed of the Los Angeles River; thence southerly along said center line and its southerly prolongation to the south boundary of said city; thence east along said boundary line to the southeastern corner of said city; thence north along the east line of said city to the point of beginning, shall constitute the Sixty-sixth Assembly District.

67. All that portion of the county of Los Angeles included within and comprising the following election precincts of nineteen hundred ten, to wit: Pasadena City numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three, and Altadena, shall constitute the Sixty-seventh Assembly District.

68. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Claremont City, La Verne, Lonsburg City, San Dimas, Pasadena City numbers one, two, three, four, five and six, Spadra, Azusa, Azusa City, Glendora, Covina, Covina City, Rowland, Riva, Los Nietos, Whittier City numbers one, two, three, and four, and all of El Monte precinct except that portion thereof lying north of the westerly prolongation of the south line of Santa Anita precinct and except that portion thereof lying west of the line dividing ranges eleven and twelve west, in township one south, San Bernardino base and meridian, shall constitute the Sixty-eighth Assembly District.

69. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Monrovia City numbers one, two and three, Duarte, Arcadia City numbers one and two, Sierra Madre City, Lamanda numbers one and two, Santa Anita, San Gabriel, Alhambra City numbers one, two and three, South Pasadena City numbers one, two and three, Balcid, Belvidere numbers one and two, Montebello, Laguna, Fruitland, Vernon City, Huntington Park City numbers one and two, that part of the precincts of Miramonte and Florence lying east of the center line of the right of way of the Long Beach line of the Pacific Electric Railway Company, and that part of the precinct of El Monte lying north of the westerly prolongation of the southerly line of Santa Anita precinct and also that part of said precinct of El Monte lying west of the line dividing ranges eleven and twelve west, in township one south, San Bernardino base and meridian, shall constitute the Sixty-ninth Assembly District.

70. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Long Beach City numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen and

nineteen, Naples, Alamitos, Cerritos, Artesia, Norwalk, La Mirada, East Whittier, Downey numbers one and two, Clearwater, Willowbrook, Dominguez, Watts City, Compton City, and that part of Wilmington precinct which was annexed to the city of Long Beach prior to November 1, 1911, shall constitute the Seventieth Assembly District.

71. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Catalina, Lomita, Green Meadows, Gardena numbers one and two, all of Wilmington precinct, except the part which was prior to November 1, 1911, annexed to the city of Long Beach, that part of the precincts of Miramonte and Florence lying west of the center line of the right of way of the Long Beach line of the Pacific Electric Railway Company, and Los Angeles City precincts numbers one hundred ninety-two, one hundred ninety-three, one hundred ninety-four, one hundred ninety-seven, one hundred ninety-eight, one hundred ninety-nine, two hundred, two hundred four, two hundred five, two hundred six, two hundred seven, two hundred eight, two hundred eleven, two hundred thirteen, two hundred eighteen, two hundred nineteen, two hundred twenty-three, two hundred twenty-four, two hundred twenty-five, two hundred twenty-six, two hundred twenty-seven, two hundred twenty-eight, two hundred twenty-nine and two hundred thirty, shall constitute the Seventy-first Assembly District.

72. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City numbers one hundred sixty-eight, one hundred sixty-nine, one hundred seventy, one hundred seventy-one, one hundred seventy-two, one hundred seventy-three, one hundred seventy-four, one hundred seventy-five, one hundred seventy-six, one hundred seventy-eight, one hundred seventy-nine, one hundred eighty, one hundred eighty-one, one hundred eighty-two, one hundred eighty-three, one hundred eighty-four, one hundred eighty-five, one hundred eighty-six, one hundred eighty-seven, one hundred eighty-eight, one hundred eighty-nine, one hundred ninety, one hundred ninety-one, that part of Los Angeles City precinct one hundred fifty-seven lying south of the center line of Jefferson street, and all of Los Angeles City precinct number one hundred seventy-seven, except that portion thereof bounded by the west patent boundary line of the city of Los Angeles, the center line of Hoover street (formerly Kingsley street) and the center line of West Jefferson street, shall constitute the Seventy-second Assembly District.

73. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of Main and Washington streets, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Main street to Jefferson street, Jefferson street to Figueroa street, Figueroa street to Vernon avenue, Vernon avenue to McKinley avenue, or the northerly prolongation of McKinley avenue from the south, McKinley avenue and said prolongation to Fifty-first street, Fifty-first street to Central avenue, Central avenue to Fifty-first street, Fifty-first street to Hooper avenue, Hooper avenue to Fifty-first street, Fifty-first street and the easterly prolongation thereof to a point in the easterly boundary line of the city of Los Angeles, thence in a northerly direction along said boundary line to the southerly charter boundary line of the city of Los Angeles where the same intersects the center line of Alameda street, Alameda street to Twentieth street, Twentieth street to Main street, the point of beginning, shall constitute the Seventy-third Assembly District.

74. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of Fifth and Hill streets in the city of Los Angeles; thence along the center line of the following named streets, to wit: Fifth street to Central avenue, Central avenue to Sixth street, Sixth street and the extension thereof along the line of Assembly District number sixty-five, as designated and constituted by this section, to the center line of the official bed of the Los Angeles River; thence southerly along the last mentioned line and the prolongation thereof to the south boundary line of the city of Los Angeles; thence westerly along said boundary line to the center line of Alameda street, Alameda street to Twentieth street, Twentieth street to Central avenue, Central avenue to Washington street, Washington street to Hill street, Hill street to Fifth street, the point of beginning, shall constitute the Seventy-fourth Assembly District.

75. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of Seventh and Hill streets, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Seventh street to Hoover street, Hoover street to Ninth street, Ninth street to Carondelet street, Carondelet street to Hoover street, Hoover street to Pico street, Pico street to Hoover street, Hoover street to Jefferson street, Jefferson street to Main street, Main street to Washington street, Washington street to Hill street, Hill street to Seventh street, the point of beginning, shall constitute the Seventy-fifth Assembly District.

76. The county of Orange shall constitute the Seventy-sixth Assembly District.

77. The county of Riverside shall constitute the Seventy-seventh Assembly District.

78. The county of Imperial shall constitute the Seventy-eighth Assembly District.

79. All that portion of the county of San Diego included within the corporate limits of the city of San Diego shall constitute the Seventy-ninth Assembly District.

80. All that portion of the county of San Diego not included in the Seventy-ninth Assembly District shall constitute the Eightieth Assembly District.

BOYNTON,
ROSEBERRY,
Senate Committee.

JUDSON,
BOHNETT,
Assembly Committee.

Senator Boynton moved the adoption of the report.

The question being on the adoption of the report, and the adoption of the amendments to Assembly Bill No. 66, submitted by the Committee on Free Conference.

The roll was called, and the report and the amendments therein submitted were adopted by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Roseberry, Rush, Sanford, Shanahan, Thompson, and Walker—23.

NOES—Senators Beban, Bills, Bryant, Burnett, Cassidy, Finn, Hans, Hare, Martinelli, Regan, Stetson, Strobridge, Tyrrell, Welch, Wolfe, and Wright—16.

Assembly Bill No. 66 ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed fifteen thousand dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911."

Also: Senate Bill No. 12—An Act to provide for the keeping by employers of a record of injuries suffered by their employees; the reporting of such injuries to the Industrial Accident Board by employers and attending physicians; the keeping by employers and insurance companies of records of claims for injuries suffered by employees and of compromises and settlements made therefor and requiring the reporting thereof to said board; and fixing a penalty for refusal or neglect to keep such records or make such reports.

Also: Senate Joint Resolution No. 6—Relative to a canal constructed from the San Joaquin River near Pollasky, in Fresno County, to a point in San Joaquin County near Stockton.

Also: Senate Joint Resolution No. 13—Memorializing the Congress of the United States for favorable consideration of the project contained in the report of the California Debris Commission, relating to "control of floods in the river systems of the Sacramento Valley and the adjacent San Joaquin Valley, California."

Also: Senate Joint Resolution No. 16—Memorializing the Congress of the United States for favorable consideration of the request of the Legislature of the State of California, for investigations and surveys by the California Debris Commission under the provisions of an Act of Congress, approved March 1, 1893, to aid in the preparation and making of a report on a project for the relief from floods in the San Joaquin Valley and the delta of the Sacramento and San Joaquin rivers and for improvements in aid of commerce and navigation.

Also: Senate Joint Resolution No. 4—Relative to the election of President and Vice-President of the United States by a direct popular and nation-wide vote.

Also: Senate Concurrent Resolution No. 4—Relative to final adjournment of the thirty-ninth (extra) session of the Legislature of the State of California.

And were presented to the Governor Saturday, December 23, 1911, at nine o'clock and thirty minutes P. M.

CASSIDY, Chairman.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: Your Committee on Printing, to whom was referred the following resolution:

Resolved, That the State Printer be, and he is hereby, ordered to print 10,000 copies of the communication from the Department of Commerce and Labor, Bureau of Standards, bearing date Washington, D. C., February 28, 1911, and printed in the Journal of the Senate on December 16, 1911, and that the Secretary of State be instructed to distribute the same in equal proportions to the members of the Senate for distribution—have had the same under consideration, and respectfully report the same back without recommendation.

HANS, Chairman.

Report and resolution read and adopted.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At eleven o'clock and forty-five minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SENATOR CURTIN IN THE CHAIR.

At eleven o'clock and forty-six minutes P. M., Senator Curtin of the Twelfth District, in the chair.

REPORTS OF STANDING COMMITTEE—(RESUMED).

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: Your Committee on Printing, to whom was referred the following resolution by Senator Shanahan: Resolution to print 12,000 copies of the chapter Assembly Constitutional Amendment No. 3, 6000 copies to be sent to the members of the Legislature, and 6,000 copies for general distribution—have had the same under consideration, and respectfully report the same back without recommendation.

HANS, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

ROLL CALL DEMANDED.

The roll call was demanded by Senators Cassidy, Beban, and Regan. The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bell, Birdsall, Black, Burnett, Caminetti, Curtin, Cutten, Hewitt, Hurd, Juilliard, Larkins, Rush, Shanahan, Thompson, and Walker—15.

NOES—Senators Beban, Bryant, Cassidy, Finn, Hans, and Regan—6.

Also:

SENATE CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: Your Committee on Printing, to whom was referred the following resolution:

Resolved, That the State Printer be, and he is hereby, instructed to print 10,000 annotated and indexed copies of the direct primary law, as amended at the present

extra session, and the presidential primary law, said Acts being bound together; and further be it

Resolved, That the Secretary of State is hereby authorized to receive the same for public distribution and that 40 copies of said combined Acts be sent to each member of the Legislature; and further be it

Resolved, That the author of the said Acts be requested to assist in the annotating and indexing thereof, such work to be performed without compensation.

Have had the same under consideration, and respectfully report the same back without recommendation.

HANS, Chairman.

Report and resolution read and adopted.

Also:

SENATE CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: Your Committee on Printing, to whom was referred the resolution to print 2,000 copies of Assembly Bill No. 64, and 3,000 copies of Assembly Bill No. 70, both dealing with the changes in the registration laws, these to be distributed by the Secretary of State to county clerks and registrars—have had the same under consideration, and respectfully report the same back without recommendation.

HANS, Chairman.

Report and resolution read and adopted.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Contingent Expenses:

Resolved, That the State Controller be and he is hereby instructed to draw his warrant on the Contingent Fund of the Senate in favor of the Secretary of State for \$100.00 or so much thereof as may be necessary to pay the cost of forwarding to each member of the Legislature fifty copies of the chapter of Assembly Constitutional Amendment No. 3, and also to pay the cost of general distribution of said chapters, and the State treasurer is hereby directed to pay the same.

BURNETT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Curtin, Cutten, Estudillo, Hare, Hurd, Juilliard, Larkins, Rush, Shanahan, Thompson, Walker, Welch, and Wolfe—21.

NOES—None.

Also:

WHEREAS, The Sergeant-at-Arms of the Senate has submitted to the Senate Committee on Contingent Expenses the various bills herein set out for supplies furnished to the Senate, and the committee has examined the same and believe them to be proper charges against the Senate; therefore, be it

Resolved, That the State Controller be, and he is hereby, directed to draw his separate warrants in favor of the Sergeant-at-Arms of the Senate for the various sums set out herein below, amounting to the sum of \$41.80, the bills for which are attached hereto, upon the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Doyle & Brown	\$6 00
Peerless Auto Livery	8 00
Cafe Rex	25 90
Car fare, J. L. Coughlin	90
Express postal order, J. L. Coughlin	1 00

\$41 80

BURNETT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cassidy, Curtin, Estudillo, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Rush, Shanahan, Thompson, Walker, Welch, and Wolfe—23.

NOES—None.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were introduced:

By Senator Welch:

Resolved, That there is hereby appropriated out of the Contingent Fund of the Senate the sum of \$250.00, or as much thereof as may be necessary, to be paid to the State Printer for the printing of 10,000 copies of the communication of the Department of Commerce and Labor, Bureau of Standards, as contained in the Journal of the Senate of December 16, 1911, and the Controller of State is hereby directed and authorized to draw his warrant for the amount necessarily expended under this resolution, and the Treasurer is directed to pay the same.

MOTION.

Senator Wolfe asked for, and was granted, unanimous consent to take up the resolution offered by Senator Welch, for consideration, without reference to committee.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cassidy, Curtin, Cutten, Estudillo, Hans, Hewitt, Hurd, Juilliard, Larkins, Regan, Rush, Shanahan, Thompson, Walker, Welch, and Wolfe—24.

NOES—None.

Also:

By Committee on Contingent Expenses:

WHEREAS, The Secretary of the Senate has submitted to the Senate Committee on Contingent Expenses the various bills herein set out for supplies furnished to the Senate, and the committee has examined the same and believe them to be proper charges against the Senate; therefore, be it

Resolved, That the State Controller be, and he is hereby directed to draw his separate warrants in favor of the Secretary of the Senate for the various sums set out herein below, amounting to the sum of \$9.10, the bills for which are attached hereto, upon the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Pacific Telephone and Telegraph Company-----	\$1 20
Pacific Telephone and Telegraph Company-----	7 90

BURNETT, Chairman.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cassidy, Curtin, Cutten, Estudillo, Finn, Hans, Hewitt, Hurd, Juilliard, Larkins, Regan, Rush, Shanahan, Thompson, Tyrrell, Walker, and Welch—25.

NOES—None.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At eleven o'clock and fifty minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

LEAVES OF ABSENCE.

Senator Wolfe was, on his own motion, granted leave of absence until Sunday, December 24, 1911, at nine o'clock A. M.

Senator Curtin was, on his own motion, granted leave of absence for the remainder of the session.

APPROVAL OF JOURNALS.

The Journals of Thursday, December 21, 1911, and Friday, December 22, 1911, having been corrected, were read and, on motion of Senator Birdsall, were approved.

ADJOURNMENT.

At eleven o'clock and fifty-five minutes P. M., on motion of Senator Bell, the President pro tem. declared the Senate adjourned until Sunday, December 24, 1911, at nine o'clock A. M.

IN SENATE.

SENATE CHAMBER,

Sunday, December 24, 1911.

Pursuant to adjournment, the Senate met at nine o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cullen, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Saturday, December 23, 1911, the further reading was dispensed with, on motion of Senator Rush.

RECESS.

At ten o'clock A. M., on motion of Senator Bell, the President declared the Senate at recess until ten o'clock and thirty minutes A. M. of this day.

RECONVENED.

At ten o'clock and thirty minutes A. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Black, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 14—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts and defining and establishing such districts.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bill No. 14 read first time, and referred to Committee on Apportionment and Representation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 24, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 74—An Act providing for the nomination and election of representatives in Congress at large.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bill No. 74 read first time, and referred to Committee on Elections and Election Laws.

RECESS.

At eleven o'clock and twenty minutes A. M., on motion of Senator Bell, the President declared the Senate at recess until eleven o'clock and thirty minutes A. M., of this day.

RECONVENED.

At eleven o'clock and thirty minutes A. M., the Senate reconvened. Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, December 24, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 74—An Act providing for the nomination and election of representatives in Congress at large—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

ESTUDILLO, Chairman.

Assembly Bill No. 74 ordered on file for second reading.

RESOLUTION.

The following resolution was introduced:
By Senator Estudillo:

Resolved, That Assembly Bill No. 74 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Beban, Bell, Bills, Birdsall, Black, Boynton, Campbell, Cullen, Estudillo, Finn, Gates, Haas, Hewitt, Holahan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Welch, and Wright—28.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 74—An Act providing for the nomination and election of representatives in Congress at large.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 74 finally passed by the following vote:

AYES—Senators Beban, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cullen, Estudillo, Finn, Gates, Haas, Hewitt, Holahan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Tyrrell, Walker, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, December, 24, 1911.

To the Legislature of the State of California:

It is represented to me that grave and imminent danger threatens the horticultural interests of the State of California. A pest known as the Mediterranean fly that has, in other parts of the world, absolutely destroyed the fruits of those sections, is being constantly brought by ships into the port of San Francisco. If this pest once gets into the orchards of California, the scientists agree that our great fruit industry will be ruined. Anything that affects our horticultural interests, among the most important that we have, of necessity affects the prosperity of the State. Any danger to these interests should be promptly met, and any remedy that can be supplied, of course, should be immediately forthcoming.

To keep this pest out of California, a strict quarantine is necessary with the power in the representatives of the Horticultural Commissioner to board vessels, destroy fruits, etc. We have now no such adequate law for the full protection of our horticulture, and to prevent this ruinous and destructive pest from obtaining a foothold in California it is necessary that we give ample powers of quarantine to our officials.

I ask you, therefore, after your session closes at noon to-day, to remain until 12:05 for another extra session, which I have called for the purpose of having you act upon a quarantine measure submitted by the Attorney General and the Horticultural Commissioner.

HIRAM W. JOHNSON, Governor.

RECESS.

At eleven o'clock and thirty-two minutes A. M., on motion of Senator Bell, the President declared the Senate at recess until eleven o'clock and thirty-six minutes A. M. of this day.

RECONVENED.

At eleven o'clock and thirty-six minutes A. M., the Senate reconvened. Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON APPORTIONMENT AND REPRESENTATION.

SENATE CHAMBER, SACRAMENTO, December 24, 1911.

MR. PRESIDENT: Your Committee on Apportionment and Representation, to whom was referred Assembly Bill No. 14—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts and defining and establishing such districts—have had the same under consideration, and respectfully report the same back with four amendments and recommend that it do pass as amended.

THOMPSON, Chairman.

Assembly Bill No. 14 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Thompson:

Resolved, That Assembly Bill No. 14 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

PREVIOUS QUESTION DEMANDED.

The previous question was demanded by Senator Thompson.

QUESTION OF SUSPENSION OF CONSTITUTION—(RESUMED).

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Catten, Estudillo, Finn, Gates, Hans, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—30.

NOES—Senators Hewitt and Roseberry—2.

CASE OF URGENCY.

Assembly Bill No. 14—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts.

During second reading of the bill, the following amendments were submitted by committee:

Page 1, Section 1, line 10, strike out the following: "Mariposa, Mono and Inyo" and insert in lieu thereof the words "and Mariposa".

Amendment adopted.

Also:

Page 2, Section 1, line 38, after the comma, following the word "Diego," insert the following: "Mono, Inyo,".

Amendment adopted.

Also:

Page 2, Section 1, line 17, after the word "districts" insert the following: ", as such districts are constituted by section ninety of this code, as amended at the extraordinary session of the Legislature commencing November 27th, 1911,".

Amendment adopted.

Also:

Page 2, Section 1, line 32, after the word "districts" insert the following: ", as such districts are constituted by section ninety of this code, as amended at the extraordinary session of the Legislature commencing November 27th, 1911,".

Amendment adopted.

Also:

Page 2, Section 1, line 32, after the word "districts" insert the following: ", as such districts are constituted by section ninety of this code, as amended at the extraordinary session of the Legislature, commencing November 27th, 1911,".

Amendment adopted.

Also:

The following amendment was offered by Senator Roseberry:

Strike out all of Section 1 of the printed bill after the semicolon after the word "follows", and insert in lieu thereof the following:

"1. The counties of Del Norte, Humboldt, Trinity, Siskiyou, Shasta, Modoc, Lassen, Plumas, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Alpine, Tuolumne and Mariposa shall constitute the First Congressional District.

2. The counties of Mendocino, Tehama, Glenn, Butte, Yuba, Sutter, Colusa, Yolo, Lake, Sonoma and Marin shall constitute the Second Congressional District.

3. The counties of Napa, Solano, Sacramento, San Joaquin, Stanislaus and Contra Costa shall constitute the Third Congressional District.

4. All the county of Alameda shall constitute the Fourth Congressional District.

5. All that portion of the city and county of San Francisco embraced within the Twenty-eighth, Thirty-first, Thirtieth, Thirty-second, Thirty-third and Twenty-first Assembly Districts shall constitute the Fifth Congressional District.

6. All that portion of the city and county of San Francisco not included in the Fifth Congressional District, and the county of San Mateo, shall constitute the Sixth Congressional District.

7. The counties of Santa Clara, Santa Cruz, San Benito, Monterey, Merced, Fresno and Madera shall constitute the Seventh Congressional District.

8. The counties of Mono, Inyo, Tulare, Kings, Kern, San Luis Obispo, Santa Barbara, Ventura, and that portion of the county of Los Angeles embraced within and comprising the Sixty-first Assembly District, as such district is constituted by section ninety of this Code, as amended at the extraordinary session of the Legislature commencing November 27, 1911, shall constitute the Eighth Congressional District.

9. All that portion of the county of Los Angeles embraced within and comprising the Sixty-fifth, Sixty-sixth, Sixty-seventh, Sixty-eighth, Sixty-ninth and Seventieth Assembly Districts, as such districts are constituted by section ninety of this Code, as amended at the extraordinary session of the Legislature commencing November 27, 1911, shall constitute the Ninth Congressional District.

10. All that portion of the county of Los Angeles embraced within and comprising the Seventy-first, Seventy-second, Seventy-third, Seventy-fourth and Seventy-fifth Assembly Districts, as such districts are constituted by section ninety of this Code, as amended at the extraordinary session of the Legislature commencing November 27, 1911, shall constitute the Tenth Congressional District.

11. The counties of San Bernardino, Orange, Riverside, San Diego and Imperial shall constitute the Eleventh Congressional District.

SEC. 2. An Act entitled 'An Act to divide the State of California into congressional districts,' approved March 11, 1891, and also an Act entitled 'An Act to divide the State into congressional districts, and to provide for the election of members of the House of Representatives of the United States therein,' approved March 23, 1901, and all other Acts in conflict with this Act are hereby repealed."

POINT OF ORDER.

Senator Stetson raised the point of order that the question was on the adoption of the amendment offered by Senator Roseberry, and not on the passage of Assembly Bill No. 14.

RULING ON POINT OF ORDER.

The President ruled the point of order well taken.

PREVIOUS QUESTION DEMANDED.

The previous question was demanded by Senator Boynton.

POINT OF ORDER.

Senator Caminetti raised the point of order that "the previous question" could not be demanded while a Senator was addressing the Senate.

RULING ON POINT OF ORDER.

The President of the Senate ruled the point of order well taken.

ASSEMBLY BILL NO. 14—(RESUMED).

The question being on the adoption of the amendments.

ROLL CALL DEMANDED.

The roll call was demanded by Senators Roseberry, Hewitt, and Wolfe, the roll was called, and the amendment proposed by Senator Roseberry refused adoption by the following vote:

AYES—Senators Bell, Caminetti, Campbell, Gates, Hewitt, Juilliard, Larkins, Martinelli, Roseberry and Thompson—10.

NOES—Senators Beban, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Cartwright, Cassidy, Cutten, Finn, Hans, Holohan, Regan, Rush, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Welch, Wolfe, and Wright—22.

Bill read second time, ordered to print and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Stetson, the Secretary was directed to issue a rush order for printing Assembly Bill No. 14.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Contingent Expenses.

Resolved, That the Secretary of the Senate must, at the close of this session of the Legislature, mark, label, and arrange all bills and papers belonging to the archives of the Senate, and deliver them, together with all the books and papers of the Senate, to the Secretary of State, who must certify to the reception of the same, and for such services and for such other post-session work as may be required by law, he is allowed the sum of eighty dollars, the same payable out of the Contingent Fund of the Senate, and the Controller of State is hereby directed to draw his warrant in favor of the above named officer, and the Treasurer directed to pay the same.

BURNETT, Chairman.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Also:

Resolved, That a new carpet be purchased for the Senate, and the carpet now in the Senate Chamber be used in carpeting such committee rooms of the Senate as may need recarpeting, and for rugs. The new carpet shall be purchased from the appropriation made in the session of the Legislature of 1909. Statutes of California, Chapter 6, for the purchase of furniture and furnishings of the Senate and Assembly chambers and committee rooms, upon the approval in writing of the President of the Senate and Speaker of the Assembly.

BURNETT, Chairman.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hewitt, Holohan, Juilliard, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobbridge, Thompson, Tyrrell, and Wright—23.
NOES—Senators Birdsall, Cutten, Hurd, Larkins, and Walker—5.

RECESS.

At eleven o'clock and thirty-eight minutes P. M., on motion of Senator Bell, the President declared the Senate at recess until eleven o'clock and forty-five minutes A. M. of this day.

RECONVENED.

At eleven o'clock and forty-five minutes A. M., the Senate reconvened.

Hon. Edward I. Wolfe, of the Twenty-first Senatorial District, acting President of the Senate, in the chair.

CALL OF THE SENATE.

Senator Stetson moved a call of the Senate.

Motion carried.

Time, eleven o'clock and forty-six minutes A. M.

The Acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Behan, Bills, Birdsall, Black, Burnett, Cartwright, Cutten, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobbridge, Welch, Wolfe, and Wright—19.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eleven o'clock and forty-seven minutes A. M., Senators Boynton, Holohan, and Campbell were brought to the bar of the Senate, and, on motion of Senator Stetson, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and forty-eight minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Stetson.

RECESS.

At eleven o'clock and forty-nine minutes A. M., on motion of Senator Bell, the Acting President declared the Senate at recess until eleven o'clock and fifty minutes A. M. of this day.

RECONVENED.

At eleven o'clock and fifty minutes A. M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

APPOINTMENT OF COMMITTEES TO PREPARE ARGUMENTS FOR AND AGAINST
CONSTITUTIONAL AMENDMENTS.

Announcement of committees to prepare arguments for and against the adoption of proposed Senate constitutional amendments and proposed Assembly constitutional amendments, in accordance with the provisions of an Act entitled "An Act providing for the calling of a special election to be held on Tuesday, October 10, 1911, and for the submission thereof to the qualified electors of the State of all amendments to the Constitution of the State of California proposed by the Legislature at its thirty-ninth session, commencing on the second day of January, 1911, prescribing and providing for the publication of said proposed amendments, and providing for the manner of holding and conducting such election, and for the canvassing and return of the votes cast thereat," approved March 27, 1911, said proposed amendments to be voted upon at the special election to be held throughout the State of California, Tuesday, the tenth day of October, 1911.

Senate Constitutional Amendment No. 3: Senator Curtin, author; Senator Cartwright, for majority; no minority vote.

Assembly Constitutional Amendment No. 3: Senator Shanahan, as author of Senate Constitutional Amendment No. 1, identical with Assembly Constitutional Amendment No. 3.

SENATOR WALKER IN THE CHAIR.

At eleven o'clock and fifty-one minutes A. M., Senator Walker, of the Twenty-seventh District, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Stetson asked for, and was granted, unanimous consent to take up Assembly Bill No. 14—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts—for consideration, out of order.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 14 finally passed by the following vote:

AYES—Senators Beban, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cutton, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Shanahan, Stetson, Strobridge, Walker, Welch, Wolfe, and Wright—24.

NOES—Senators Bell, Campbell, Gates, and Roseberry—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Contingent Expenses:

Resolved, That the Senate purchase a new clock for the Senate Chamber to replace the clock now in use. The President of the Senate and the Speaker of the Assembly are requested to authorize the purchase of said clock from the appropriation of the

Legislature of 1909. Chapter 6 of Statutes of 1909, for the purchase of furniture for the Senate and Assembly chambers and committee rooms, at a price not to exceed one hundred dollars.

BURNETT, Chairman.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Bell, Bills, Black, Boynton, Caminetti, Campbell, Cartwright, Holohan, Hurd, Martinelli, Rush, Shanahan, and Wright—13.

NOES—Senators Birdsall, Cutten, Gates, Hare, Hewitt, Juilliard, Larkins, Regan, Roseberry, Stetson, Strobridge, Walker, Welch, and Wolfe—14.

RECESS.

At eleven o'clock and fifty-two minutes A. M., on motion of Senator Boynton, the Acting President declared the Senate at recess until eleven o'clock and fifty-three minutes A. M. of this day.

RECONVENED.

At eleven o'clock and fifty-three minutes A. M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Roseberry, the following message from the Assembly was taken up and read:

RESOLUTIONS—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, December 24, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendment to Assembly Bill No. 14—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts and defining and establishing such districts.

L. B. MALLORY, Chief Clerk of the Assembly.

The following resolution was introduced:

By Senator Gates:

Resolved, That a committee of three be appointed to notify the Governor that the Senate is ready to adjourn *sine die*, and ask if he has any further communications to transmit to the Senate.

Resolution read and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Gates, Campbell, and Tyrrell a committee to notify the Governor that the Senate, thirty-ninth extra session, is about to adjourn *sine die*, and awaits his pleasure for further communication, if he has any, before so adjourning.

RESOLUTION.

The following resolution was introduced.

By Senator Bills:

Resolved, That a committee of three be appointed to notify the Assembly that the Senate is ready to adjourn *sine die*, and ask if the Assembly has any further communications to transmit to the Senate.

Resolution read and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Bills, Wolfe, and Hurd a committee to notify the Assembly of the readiness of the Senate to adjourn *sine die*.

APPROVAL OF JOURNAL.

The Journal of Saturday, December 23, 1911, having been corrected, was read, and, on motion of Senator Boynton, was approved.

EXPLANATION OF VOTE.

Senator Hewitt asked for, and was granted, unanimous consent to explain his vote on Assembly Bill No. 14, and have the explanation printed in the Journal.

MR. PRESIDENT: At a time when I was unavoidably absent from the Senate Chamber, Assembly Bill No. 14 came up for final passage. I was strongly opposed to said bill, and had I been present when the vote thereon was taken I would have voted against it. My objections to that bill are that it is grossly unjust, and establishes for ten years to come a system of congressional apportionment for the State that is indefensible from any standpoint, particularly with regard to the entire portion of the State south of San Francisco and its immediate vicinity. As one instance of the flagrant inequality of this bill, I will simply refer to the fact that the Second Congressional District, as fixed by Assembly Bill No. 14, contains a population of about 150,000, while the two districts assigned to Los Angeles County each contain more than 250,000 inhabitants. Under this bill, one million people, nearly half of the population of this State, will have the privilege of being represented in Congress by three Congressmen, while the northern and central portions of the State will have the privilege of being represented by eight Congressmen. Such a gross disregard of the rights and interests of the southern portion of the State should not pass without protest. This bill has been framed, I believe, with the primary object, in most of its features, of providing convenient districts for certain prospective aspirants for Congress, and with no particular regard for the rights of the people of a great and growing section of the State to be represented in Congress on an equal basis with other, and, politically speaking, more favored sections of this State. I enter my protest against this bill as in the main a mere contrivance of political expediency, and one which does grave injustice against the people, a part of whom, at least, it is my duty to represent in the Senate at this time.

LESLIE R. HEWITT.

REPORT OF SENATE COMMITTEE.

Senator Gates, as chairman of the committee appointed to wait upon the Governor to inform him of the Senate's readiness to adjourn, reported that the Governor had informed the committee that he had no further communication to present to the Senate.

REPORT OF SENATE COMMITTEE.

Senators Bills, Wolfe, and Hurd, the special committee appointed to notify the Assembly that the Senate was ready to adjourn *sine die*, reported that they had performed the duties assigned them.

COMMUNICATION FROM THE ASSEMBLY.

The Assembly committee, Mr. McDonald, chairman, appeared at the bar of the Senate and announced that the Assembly had no further communications to transmit to the Senate, and was now prepared for final adjournment.

MOTION.

Senator Wolfe moved that the Chaplain of the Senate, Rev. Father Henry H. Wyman, be requested to close the thirty-ninth (extra) session of the Legislature with prayer.

Motion carried.

PRAYER.

Prayer was offered by the Chaplain, Rev. Father Henry H. Wyman.

APPROVAL OF JOURNAL.

The Journal of Sunday, December 24, 1911, having been corrected, was read, and, on motion of Senator Boynton, was approved.

FINAL ADJOURNMENT.

At twelve o'clock M., in accordance with the provisions of Senate Concurrent Resolution No. 4, Lieutenant Governor Albert J. Wallace, President of the Senate, declared the thirty-ninth (extra) session of the Senate of the State of California adjourned *sine die*.

ALBERT J. WALLACE,
President of the Senate.

ALBERT E. BOYNTON,
President pro tem. of the Senate.

WALTER N. PARRISH,
Secretary of the Senate.

R. H. JACKSON,
Minute Clerk of the Senate.

DENIS S. BROSNAN,
Journal Clerk of the Senate.

INDEX TO PROCEEDINGS OF SENATE.

A

ACCIDENT BOARD. See INDUSTRIAL ACCIDENT BOARD.	PAGE.
ADJOURNMENT, DAILY	7, 10, 23,
26, 33, 36, 40, 59, 75, 98, 123, 143, 247, 266, 290, 341, 358, 393, 417, 435, 504	
ADJOURNMENT, FINAL. Adjournment <i>sine die</i>	514
Appointment of committee to notify Assembly	512
Appointment of committee to notify Governor	512
Resolution relative to adjournment <i>sine die</i> (S.C.R. No. 4). See INDEX TO SENATE CONCURRENT RESOLUTIONS, <i>post</i> .	
AMENDMENTS TO CONSTITUTION. See ASSEMBLY CONSTITUTIONAL AMENDMENTS; also, INDEX TO SENATE CONSTITUTIONAL AMENDMENTS, <i>post</i> .	
ANDREWS, C. N. Appointment and confirmation as Trustee of State Normal School at San Diego	8, 14, 20
APPOINTMENTS by Governor. See GOVERNOR.	
APPORTIONMENT. Division of State into congressional and legislative districts, point of order and protests in relation thereto	25, 61, 486
See, also, A.B. No. 14 and A.B. No. 66, ASSEMBLY BILLS.	
ASSEMBLY. Organization of, notice of received	5
ASSEMBLY BILLS. Action on, or reference to, in Senate	
A.B. No. 1	129,
130, 131, 132, 248, 265, 266, 269, 270, 276, 278, 279, 280, 336, 337, 423, 438	
A.B. No. 3	57, 58, 60, 67, 70, 79, 97
A.B. No. 4	76, 248, 260
A.B. No. 7	337, 394, 410, 414, 421
A.B. No. 8	130, 243, 259, 334, 359, 400, 425
A.B. No. 9	130, 363, 386, 387, 388, 402, 425
A.B. No. 10	243, 363, 386, 388, 402, 425
A.B. No. 11	130, 363, 386, 388, 389, 403, 425
A.B. No. 14	505, 507, 508, 509, 511, 512, 513
A.B. No. 15	272, 273, 384
A.B. No. 17	272, 273, 360, 386, 402
A.B. No. 20	98, 129, 150
A.B. No. 22 (error in Journal: bill withdrawn in Assembly)	335
A.B. No. 24	57, 58, 144, 182, 260
A.B. No. 25	76
A.B. No. 26	76, 249, 259, 335, 336
A.B. No. 29	57, 58, 60, 67, 70, 71, 73, 107, 135, 180
A.B. No. 30,	
258, 410, 412, 413, 415, 416, 418, 425, 436, 437, 438, 439, 440, 469, 470	
A.B. No. 32	243, 354, 386, 401, 425
A.B. No. 39	130, 141, 143, 297, 322, 323, 384, 404
A.B. No. 41	243, 253, 259, 336
A.B. No. 42	123
A.B. No. 45	76, 144, 182, 260
A.B. No. 48	76, 249, 260, 336, 383
A.B. No. 49	131, 249, 259, 336, 383
A.B. No. 50	76, 249, 260, 336, 383
A.B. No. 53	243, 354, 385, 401, 425
A.B. No. 56	291, 298, 321, 324, 325, 326, 327, 330, 331, 332, 333, 334, 400, 419
A.B. No. 58	391, 394, 410, 414, 420
A.B. No. 61	257, 354, 385, 401, 403
A.B. No. 62	291
A.B. No. 63	391, 410, 416, 417, 421
A.B. No. 64	337, 394, 410, 414, 420, 482
A.B. No. 65	272, 273, 394, 414, 421
A.B. No. 66	338,
365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 403, 419, 434,	
435, 440, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461,	
468, 469, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500	

ASSEMBLY BILLS	Continued.	Page.
A.B. No. 67		341, 349, 384, 404
A.B. No. 68		410
A.B. No. 70		338, 410, 411, 412, 433, 434, 463, 482
A.B. No. 71		391, 424, 425, 463
A.B. No. 73		404, 407, 408, 421, 422
A.B. No. 74		505, 506
ASSEMBLY CONCURRENT RESOLUTIONS.	Action on, or reference to,	
in Senate,		
A.C.R. No. 1		133, 143, 148, 149, 150, 179, 255
A.C.R. No. 2		133, 143, 179, 182, 240
A.C.R. No. 4		258, 353, 385
A.C.R. No. 6		29
A.C.R. No. 11		337, 419
ASSEMBLY CONSTITUTIONAL AMENDMENTS.	Action on, or refer-	
ence to, in Senate,		
A.C.A. No. 3,		
23, 124, 150, 257, 266, 268, 295, 296, 297, 345, 346, 347, 353, 404, 479, 511		
ASSEMBLY JOINT RESOLUTIONS.	Action on, or reference to, in Senate,	
A.J.R. No. 1		98, 125, 150, 253, 254
A.J.R. No. 3		130, 292, 340, 341
A.J.R. No. 6		448, 461, 462
ASSEMBLY MESSAGES.	Messages received from the Assembly,	
Adoption, as amended, of S.C.R. No. 2, relative to Joint Rules of Senate and Assembly		440
Adoption, as amended, of S.C.R. No. 4		485
Adoption, as amended, of S.J.R. No. 4 and S.J.R. No. 6		480
Adoption, as amended, of S.J.R. No. 10		496
Adoption of A.C.R. No. 1		133
Adoption of A.C.R. No. 2		133
Adoption of A.C.R. No. 6		29
Adoption of A.C.R. No. 11		337
Adoption of A.J.R. No. 3		130
Adoption of A.J.R. No. 6		448
Adoption of S.C.A. No. 3		133
Adoption of S.C.R. No. 3		448
Adoption of S.J.R. No. 2		41
Adoption of S.J.R. No. 9		405
Adoption of S.J.R. No. 14, S.J.R. No. 7, and S.J.R. No. 12		448
Adoption of S.J.R. No. 13 and S.J.R. No. 16		480
Appointment of Committee on Conference to consider A.B. No. 66		468
Adoption of report of Committee on Free Conference on A.B. No. 66		486
Adoption of report of Committee on Conference on S.B. No. 11		480
Adoption of report of Committee on Conference on S.B. No. 12		480
Appointment of Committee on Conference to consider S.B. No. 14		466
Appointment of Committee on Conference to consider S.B. No. 12		467
Appointment of Committee on Free Conference to consider S.B. No. 2		477
Appointment of Committee on Free Conference to consider A.B. No. 66		469
Concurrence in Senate amendments to A.B. No. 4		358
Concurrence in Senate amendments to A.B. No. 8, A.B. No. 9, A.B. No. 10, A.B. No. 11, A.B. No. 32, and A.B. No. 53		425
Concurrence in Senate amendments to A.B. No. 14		512
Concurrence in Senate amendments to A.B. No. 29		480
Concurrence in Senate amendments to A.B. No. 39 and A.B. No. 67		404
Concurrence in Senate amendments to A.C.A. No. 3		404
Organization of, notice, first day of session		5
Passage of A.B. No. 1		129
Passage of A.B. No. 3, A.B. No. 24, and A.B. No. 29		57
Passage of A.B. No. 4, A.B. No. 25, A.B. No. 26, A.B. No. 45, A.B. No. 48, A.B. 50		76
Passage of A.B. No. 7, A.B. No. 64, and A.B. No. 70		337, 338
Passage of A.B. No. 8, A.B. No. 9, A.B. No. 11, A.B. No. 39, and A.B. No. 49		131
Passage of A.B. No. 10 and A.B. No. 32		243
Passage of A.B. No. 14		505

ASSEMBLY MESSAGES Continued.

PAGE.

Passage of A.B. No. 15, A.B. No. 17, and A.B. No. 65	272
Passage of A.B. No. 20 and A.J.R. No. 1	98
Passage of A.B. No. 41 (erroneously recorded in Journal as A.B. No. 14) and A.B. No. 53	243
Passage of A.B. No. 42	123
Passage of A.B. No. 58, A.B. No. 63, and A.B. No. 71	391
Passage of A.B. No. 61 and A.C.R. No. 4	257, 258
Passage of A.B. No. 56 and A.B. No. 62	291
Passage of A.B. No. 66	338
Passage of A.B. No. 73	404
Passage of A.B. No. 74	505
Passage of A.C.A. No. 3	123
Passage of S.B. No. 1 and A.B. No. 30	258
Passage, with amendments, of S.B. No. 2 and S.B. No. 44	444
Passage of S.B. No. 3 and S.B. No. 33	357, 358
Passage, as amended, of S.B. No. 4, S.B. No. 32, and S.B. No. 42	428
Passage of S.B. No. 5, S.B. No. 6, S.B. No. 7, and S.B. No. 43	427
Passage, as amended, of S.B. No. 11	391
Passage of S.B. No. 12, with amendments	405
Passage of S.B. No. 13	133
Passage of S.B. No. 16, S.B. No. 20, S.B. No. 30, and S.B. No. 37	443, 444
Passage of S.B. No. 21	34
Passage of S.B. No. 22	391
Passage of S.B. No. 24 and S.B. No. 54	447
Passage of S.B. No. 28 as amended	258
Passage of S.B. No. 36 and S.B. No. 14	244
Passage of S.B. No. 34 and adoption of S.J.R. No. 8	391
Passage of S.B. No. 31 and S.B. No. 38	404
Passage, as amended, of S.B. No. 48	463
Passage of S.B. No. 53	418
Readiness for final adjournment	514
Refusal to adopt S.C.A. No. 7	471
Refusal to concur in Senate amendments to A.B. No. 66	448
Refusal to recede from Assembly amendments to S.B. No. 2	467
Refusal to recede from Assembly amendments to S.B. No. 11 and S.B. No. 12	426

ATTACHES. See, also, OFFICERS.

Appointments, dismissals, and payment of claims.	8, 9, 11, 12, 22, 24, 37, 38, 292, 349, 461
Assistant at Desk, Robert Bonnell	24
See, also, Assistant Minute Clerk.	
Assistant Bill Filer, John Mayer	8, 461
Assistant Bill Filer, Andrew McDewitt	8, 461
Assistant Engrossing and Enrolling Clerk, Robina Alexander	38
See, also, Committee Clerk.	
Assistant Journal Clerk, J. F. R. Arrellanes	8
Assistant Minute Clerk, Robert Bonnell	8, 24
See, also, Assistant at Desk.	
Assistant Minute Clerk, Theodore Lafayette	11, 24, 406
See, also, Assistant Sergeant-at-Arms.	
Assistant Postmistress, Eva Spencer	8
Assistant Secretary, Frank Mattison	8, 406
Assistant Secretary, H. P. Travers	8, 406
Assistant Secretary, Wm. H. Wright	8, 406
Assistant Sergeant-at-Arms, Geo. W. Conart	8, 461
Assistant Sergeant-at-Arms, D. Dieckhoff	24
See, also, Chief Bill Filer.	
Assistant Sergeant-at-Arms, M. Fitzpatrick	8, 461
Assistant Sergeant-at-Arms, Theodore Lafayette	24
See, also, Assistant Minute Clerk.	
Assistant Sergeant-at-Arms, Felix McMahon	38, 461
Assistant Sergeant-at-Arms, Ed Perry	8
Assistant Sergeant-at-Arms, Samuel Wacholder	8, 461
Bill Filer, Eddie Cameron	11, 461

ATTACHIES—Continued.

PAGE.

Bill Filer, M. Carey	11, 461
Bill Filer, Eddie Murphy	11, 461
Bill Filer, Frank Storer	22, 292
Bill Filer, Geo. G. Taylor	24, 461
Chief Bill Filer, D. Dieckhoff	8, 24
See, also, Assistant Sergeant-at-Arms.	
Committee Clerk, Robina Alexander	24, 37
See, also, Assistant Engrossing and Enrolling Clerk.	
Committee Clerk, E. A. Jonker	38, 461
Committee Clerk (Judiciary), A. T. Shine	8, 461
Engrossing and Enrolling Clerk, J. O. Hestwood	8
History Clerk, A. J. Turner	8
Journal Clerk, Denis S. Brosnan	8
Page, Frank Branch	8
Page, Wm. Durkin	406
Page, William Saunders	8
Page, George Steers	8, 461
Porter, I. Wells	406
Porter, C. J. Sykes	22, 406
Porter, O. F. Palmer	22, 406
Porter, M. Dougherty	11
Porter, William Gans	8, 461
Postmistress, Ola H. Gass	8
Press Mailing Clerk, Frank Weymouth	8, 461
Stenographer, Lewis H. Brown	8, 461
Stenographer, Ida M. Bryant	349, 461
Stenographer, Arthur Dittnock	8
Stenographer, Josephine McCann	24, 461
Stenographer, Mrs. D. Nepp	8, 292
Stenographer, Ottie Smith	8, 461

AVEY, J. L. Senator.

Introduction by, of S.B. No. 18	21
Introduction by, of S.B. No. 19	21
Mileage	12
Motion by, in relation to call of Senate during roll call on passage of A.B. No. 26	335, 336
Motion by, to take up consideration of Governor's appointments	14
Reports by, as Acting Chairman of Committee on Engrossment and Enrollment	30, 276, 295, 324, 340
Reports by, as Chairman of Committee on Executive Communications	14, 272
Withdrawal by, of S.B. No. 18	381
Withdrawal by, of S.B. No. 19	292

AYES AND NOES. See VOTE.

B

BAKER, FRANK K., REV. Prayer by	470
BAKER, FRED. Appointment and confirmation as Trustee of State Normal School at San Diego	8, 14, 19
BAR OF SENATE, BEFORE. See individual names of Senators.	
BEBAN, D. J. Senator.	
Mileage	12
Leave of absence	23
BEAR FLAG. Address by Senator Juilliard	342
Resolution for display of from Capitol building and other State Institutions	418
BELL, C. W. Senator.	
Appointment as committee to amend A.B. No. 70	434
In the chair	269
Introduction by, of S.B. No. 15	20
Introduction by, of S.B. No. 16	21
Introduction by, of S.B. No. 17	21
Mileage	12
Motion by, to amend S.B. No. 16	62
Resolution by, relative to election of officers of Senate	4
Withdrawal by, of S.B. No. 17	335

BILLS, ASSEMBLY. See ASSEMBLY BILLS.	
BILLS, CHAS. B. Senator.	PAGE.
Mileage	12
Amendment offered by, to S.B. No. 14.....	45
Appointment on committee to notify Assembly of readiness of Senate to adjourn <i>sine die</i>	513, 514
Introduction by, of S.B. No. 14.....	20
Introduction by, of S.B. No. 51 (erroneously recorded in Journal as S.B. No. 57).....	256
Introduction by, of S.J.R. No. 10.....	126
Reports by, as Vice-Chairman of Committee on Irrigation.....	77, 141, 142, 247
Resolution by, to appoint committee to notify Assembly of readiness of Senate to adjourn <i>sine die</i>	513
BILLS, SENATE. See INDEX TO SENATE BILLS, post.	
BILLS (SUPPLIES). See CLAIMS.	
BIRDSALL, E. S. Senator.	
Appointment as member of Committee on Conference on A.B. No. 66	461, 469
Introduction by, of S.B. No. 20.....	21
Introduction by, of S.B. No. 37.....	43
Leave of absence.....	321
Mileage	12
Motion by, to amend S.B. No. 20.....	298, 299
BLACK, MARSHALL. Senator.	
In the chair.....	350
Introduction, by, of S.B. No. 1.....	6
Leave of absence.....	99, 291
Mileage	12
Reports by, as Chairman of Committee on Revenue and Taxation.....	58
BOWLES, PHILLIP E. Appointment and confirmation as Regent of State University	7, 13, 15
BOYNTON, A. E. Senator.	
See, also, PRESIDENT PRO TEM.	
Appointment as committee to amend S.B. 11.....	122
Appointment as member of Committee on Free Conference on A.B. No. 66	469, 487, 500
Before bar of Senate.....	510
Election of, as President pro tem. of Senate.....	4
In the chair.....	7, 11, 18, 22, 23, 26, 30, 31, 34, 35, 36, 37, 40, 41, 70, 136, 257, 269, 270, 335, 347, 350, 353, 362, 383, 384, 393, 412, 415, 416, 443, 447, 472, 477, 484, 501, 503, 510, 512
Introduction by, of S.B. No. 13.....	10
Introduction by, of S.B. No. 30.....	26
Introduction by, of S.C.R. No. 2.....	244
Introduction by, of S.C.R. No. 3.....	256
Introduction by, of S.J.R. No. 8 (erroneously recorded in Journal as S.J.R. No. 7).....	95
Mileage	12
Motion by, for call of the Senate pending vote for amendments to S.C.A. No. 2	352
Motion by, to adopt report of Committee on Free Conference on A.B. No. 66	500
Motion by, to amend S.B. No. 11.....	69
Motion by, to amend S.B. No. 46.....	377
Motion by, to amend S.B. No. 48.....	348, 349, 351, 352
Motion by, to send telegram to Lieutenant-Governor Wallace at time of illness	40
Report by, as Chairman of Committee on Rules.....	422
Report by, as member of Judiciary Committee, on point of order in relation to A.C.A. No. 3	268
Resolution by, relative to organization of Senate and election of officers.....	4
Resolution by, relative to printing additional copies of A.B. No. 64 and A.B. No. 70.....	482, 502
Resolution by, to have printed 10,000 copies of Direct Primary Law and Presidential Primary Law.....	481, 501, 502

	Page.
BRYANT, CARRIE T. Appointment and confirmation as member of State Board of Charities and Corrections	8, 13, 19
BRYANT, E. F. Senator.	
Mileage	12
Resolution by, to display Bear flag	130, 141
BURKE, E. W. Appointment and confirmation as manager of Southern California State Hospital	8, 13, 16
BURNETT, LESTER G. Senator.	
Before bar of the Senate	31
Introduction by, of S.B. No. 7	9
Introduction by, of S.B. No. 8	9
Introduction by, of S.B. No. 9	9
Introduction by, of S.B. No. 32	32
Introduction by, of S.B. No. 53	272
Mileage	12
Motion by, to amend S.B. No. 32	134
Motions by, to print additional copies of S.B. No. 9	9, 94
Reports by, as Chairman of Committee on Contingent Expenses	12,
13, 71, 141, 180, 268, 420, 427, 435, 438, 439, 447, 466, 468, 502, 503, 509, 512	
Resolution by, for printing 18,000 copies of Public Utilities Act (A.B. No. 1)	406, 423
Resolution by, for printing 12,000 additional copies of public utilities act (A.B. No. 1)	438
Resolution by, to allow California Highway Commission use of furniture from Senate committee rooms	43

C

CALIFORNIA INSTITUTE FOR THE DEAF AND THE BLIND. Appointment and confirmation of Trustee	8, 13, 17
CALL OF THE SENATE. During roll call on adoption of resolution declaring S.B. No. 21 a case of urgency	31
During roll call on passage of A.B. No. 26	335, 336
During question of adoption of amendments to S.C.A. No. 2	352
During roll call upon adoption of A.C.A. No. 3	346
During vote on S.C.R. No. 4, as amended by the Assembly	484
On point of order, "no quorum" present	269
Pending proceedings previous to adjournment <i>sine die</i>	510
CAMINETTI, A. Senator.	
Appointment as committee to amend A.B. No. 46	377
Appointment as committee to amend S.B. No. 33	65
Appointment as committee to amend S.B. No. 48	348, 349, 350, 351, 352, 353
Explanation of absence at time of vote was taken on adoption of A.C.A. No. 3	353
Introduction by, of S.B. No. 46	98
Introduction by, of S.B. No. 48	100
Introduction by, of S.C.A. No. 8	252
Introduction by, of S.J.R. No. 9	108
Introduction by, of S.J.R. No. 13	273
Leave of absence	10, 35
Mileage	12
Motion by, to amend title to S.B. No. 46	415
Point of order by, in relation to demanding of previous question	509
Report by, as member of Judiciary Committee, on point of order in relation to A.C.A. No. 3	268
CAMPBELL, A. E. Senator.	
Appointment on committee to notify Governor of readiness of Senate to adjourn <i>sine die</i>	512
Before bar of Senate	336, 510
In the chair	30
Introduction by, of S.C.A. No. 6	95
Introduction by, of S.C.A. No. 7	249
Introduction by, of S.J.R. No. 11	144
Mileage	12
Motion by, to amend A.B. No. 8	359

CARTWRIGHT, GEO. W. Senator.	PAGE.
Amendments offered by, to A.B. No. 1	149, 286
Amendments offered by, to A.B. No. 67	349
Before bar of Senate	336
Appointment as committee to amend A.B. No. 29	107
Appointment as committee to amend A.B. No. 30	437, 438
Appointment as committee to amend A.C.A. No. 3	257, 296
Appointment on committee to notify Governor of organization of Senate	5
Appointment on committee to prepare argument for adoption of S.C.A. No. 3	511
In the chair	296, 415
Introduction by, of S.B. No. 50	242
Leave of absence	23, 75, 124
Mileage	12
Withdrawal by, of S.B. No. 50	356
CASSIDY, JOHN J. Senator.	
Explanation by, of vote on A.B. No. 30	469
Leave of absence	23, 321
Mileage	12
Reports by, as Chairman of Committee on Engrossment and Enrollment.	36, 42, 56, 60, 68, 70, 77, 96, 100, 108, 124, 129, 131, 132, 133, 140, 240, 248, 251, 256, 267, 295, 298, 342, 343, 361, 393, 394, 398, 402, 404, 407, 416, 424, 426, 435, 446, 484, 501
CHARITIES AND CORRECTIONS, STATE BOARD. Appointment and confirmation of members.	8, 13, 19
CHAPLAIN. Election of Rev. H. H. Wyman	4
See, also, WYMAN, REV. H. H.	
CHARTERS OF CITIES. See SACRAMENTO; STOCKTON.	
CLAIMS. Supplies.	
Alexander Anderson	468
John Bremner Co.	268
Cafe Rex	502
Cascade Towel Co.	447
J. L. Coughlin	502
E. H. Cox & Son	466
Doyle & Brown	502
Frank C. Jordan, Secretary of State	97, 179
Kane & Trainor Ice Co.	427, 447
W. S. Lindberg	427
Pacific Telephone and Telegraph Co.	447, 503
Peerless Auto Livery	502
Postal Telegraph Cable Co.	427
F. R. Pulford	447
Remington Typewriter Co.	468
R. M. Richardson, Postmaster	268
Rucker-Fuller Desk Co.	392
Schneider, Chappell & Jones	466
Scott, Lyman & Stack	447
Siller Bros.	427
Henry E. Sleeper	427, 447
Sutter, Hevener Co.	427
C. J. Sykes	427
Underwood Typewriter Co.	468
Wahl Stationery Co.	268, 427, 447
Whiskey Hill Water Co.	447
J. H. Zemansky	435
CLARKE, E. P. Appointment and confirmation as manager of Southern California State Hospital	8, 13, 16, 17
COMMITTEES ON CONFERENCE. A.B. No. 66	461, 468, 469
S.B. No. 2	467, 468, 471
S.B. No. 11	460, 466, 473, 474
S.B. No. 12	460, 467, 473
COMMITTEES ON FREE CONFERENCE. A.B. No. 66	469, 487, 500
S. B. No. 2	471, 477, 479

	PAGE.
COMMITTEES, STANDING. Appointment of.....	4
Apportionment and representation, reports of.....	95, 108, 364, 507
Banking, reports of.....	41, 42
Contingent Expenses, reports of.....	12, 13, 141, 179, 426, 427
Contingent Expenses, resolution appropriating additional money for purpose of shipping property of members to their homes.....	439
Contingent Expenses, resolution by, payment of claims for supplies.....	268
Contingent Expenses, resolution by, for purchase of furniture for Senate Chamber.....	392
Contingent Expenses, resolution by, for payment of certain shipping expenses.....	426
Contingent Expenses, resolution by, for payment of certain claims.....	427
Contingent Expenses, resolution by, for payment of claims.....	446
Contingent Expenses, resolution by, for payment of claims.....	466
Contingent Expenses, resolution by, for payment of claims.....	468
Contingent Expenses, resolution by, for payment of claims for supplies.....	502
Contingent Expenses, resolution by, for payment of claims.....	503
Contingent Expenses, resolution by, for purchase of postage.....	71
Contingent Expenses, resolution by, for purchase of new carpet for Senate Chamber.....	509
Contingent Expenses, resolution by, for ventilation of Capitol building.....	420
Contingent Expenses, resolution by, relative to property of Senate.....	509
Contingent Expenses, resolution by, to pay cost of forwarding copies of A.C.A. No. 3.....	502
Contingent Expenses, resolution by, to appropriate money for distribution of Public Utilities Act (A.B. No. 1).....	438, 439
Contingent Expenses, resolution by, to purchase new clock for Senate.....	511
Corporations, reports of.....	39, 60, 79, 107, 282
County Government, reports of.....	47, 58, 125, 126, 253, 341, 424
Drainage, Swamp, and Overflowed Lands, reports of.....	35, 36
Education, permission to use Senate Chamber for public hearing on S.C.A. No. 1.....	35
Education, reports of.....	76, 270, 475
Elections and Election Laws, reports of, 38, 45, 62, 71, 144, 243, 248, 249, 297, 363, 394, 408, 409, 410, 505	
Engrossment and Enrollment, reports by.....	30, 36, 42, 56, 59, 60, 68, 69, 70, 76, 96, 99, 100, 108, 124, 129, 131, 132, 133, 140, 240, 247, 248, 254, 256, 267, 276, 294, 295, 297, 323, 324, 339, 342, 343, 360, 393, 394, 398, 402, 403, 406, 407, 416, 424, 426, 435, 446, 482, 483, 484, 500
Executive Communications, reports of.....	13, 272
Federal Relations, reports of.....	47, 58, 125, 242, 254, 255, 292, 461, 475
Finance, reports of.....	48, 75, 143, 261, 271, 299
Hospitals and asylums, reports of.....	42, 129
Irrigation, reports of.....	77, 141, 142, 246, 378
Judiciary, reports of.....	27, 36, 42, 70, 77, 120, 249, 268, 282, 291, 354, 474
Municipal Corporations, reports of.....	143, 253
Printing, reports of.....	353, 394, 423, 476, 501, 502
Roads and Highways, reports of.....	354
Revenue and Taxation, report of.....	58
Rules, reports of.....	422, 423
COMMITTEES TO PREPARE ARGUMENTS FOR AND AGAINST ADOPTION OF PROPOSED CONSTITUTIONAL AMENDMENTS.	
A.C.A. No. 3.....	511
S.C.A. No. 3.....	511
COMMUNICATIONS. Director General of Panama-California Exposition at San Diego.....	11
Madera County Chamber of Commerce, relative to the conservation of waters of San Joaquin River.....	46
CONCURRENT RESOLUTIONS. See ASSEMBLY CONCURRENT RESOLUTIONS; also, INDEX TO SENATE CONCURRENT RESOLUTIONS, <i>post</i> .	
CONFERENCE COMMITTEES. See COMMITTEES ON CONFERENCE; COMMITTEES ON FREE CONFERENCE.	

CONSTITUTIONAL AMENDMENTS. See ASSEMBLY CONSTITUTIONAL AMENDMENTS; also, INDEX TO SENATE CONSTITUTIONAL AMENDMENTS, *post*.

COUGHLIN, JOSEPH L. Allowed pay for work prior to organization of Senate ----- 406
Election of, as Sergeant-at-Arms of Senate ----- 4
Mileage ----- 12

See, also, Sergeant-at-Arms of Senate.

CURTIN, J. B. Senator.
Amendments offered by, to A.B. No. 1 ----- 149, 280
Appointment as member of Committee on Free Conference on S.B. No. 2. 471, 479
Appointment as member of committee to prepare argument for adoption of S.C.A. No. 3. ----- 511
Explanation of vote by, on A.B. No. 1. ----- 337, 343
Explanation by, of vote on A.B. No. 30. ----- 470
In the chair ----- 501
Introduction by, of S.B. No. 26 ----- 24
Introduction by, of S.B. No. 54 ----- 297
Introduction by, of S.C.A. No. 3 ----- 24
Introduction by, of S.J.R. No. 1 ----- 24
Introduction by, of S.J.R. No. 6 ----- 47
Leave of absence ----- 33
Mileage ----- 12
Motion by, to amend A.B. No. 29 ----- 107
Motion by, to amend A.C.A. No. 3 ----- 257, 296
Motion by, to amend S.B. No. 46 ----- 377
Report by, as member of Judiciary Committee, on point of order in relation to A.C.A. No. 3 ----- 268
Report by, as Vice-Chairman of Committee on Judiciary ----- 27, 249, 291
Withdrawal by, of S.B. No. 26 ----- 135

CUSHMAN, WILLIAM R. Appointment and confirmation as Pilot Commissioner for San Diego ----- S. 13, 18

CUTTEN, CHAS. P. Senator.
Amendment offered by, to S.C.R. No. 4 ----- 478
Appointment as committee to amend S.B. No. 20 ----- 298, 299
Appointment as member of Committee on Conference on A.B. No. 66 ----- 461, 469
Appointment on committee to notify Governor of organization of Senate ----- 5
In the chair ----- 337
Introduction by, of S.B. No. 24 ----- 21
Introduction by, of S.B. No. 25 ----- 22
Introduction by, of S.B. No. 38 ----- 46
Leave of absence ----- 22
Mileage ----- 12
Reports by, as Chairman of Committee on Finance ----- 48, 75, 143, 261, 271, 299
Resolution by, relative to notice to Assembly of organization of Senate ----- 4

D

DEAF AND THE BLIND, INSTITUTE FOR. Appointment and confirmation of Trustee ----- S. 13, 17
DUFFY, DENNIS M. Appointment and confirmation as Prison Director ----- S. 13, 17

E

ELLIS, REV. JOHN H. Prayers by ----- 99, 341
ELSTON, J. ARTHUR. Appointment and confirmation as Trustee of Institute for the Deaf and the Blind ----- S. 13, 17
ESTUDILLO, MIGUEL. Senator.
Appointment as special committee of one to amend S.B. No. 13 ----- 43
In the chair ----- 32, 392
Introduction by, of S.B. No. 47 ----- 100
Introduction by, of S.J.R. No. 5 ----- 47
Leave of absence ----- 94, 291
Mileage ----- 12
Report by, as member of Judiciary Committee on point of order in relation to A.C.A. No. 3 ----- 268

ESTUDILLO, MIGUEL. Continued.	PAGE.
Reports by, as Chairman of Committee on Elections and Election Laws.	38, 46, 62, 71, 144, 243, 248, 249, 297, 363, 394, 408, 505
Resolution by, authorizing Sergeant-at-Arms to receipt for salary warrants	11
Resolution by, declaring A.B. No. 74 a case of urgency	505
Withdrawal by, of S.B. No. 15	462
Withdrawal by, of S.B. No. 47	395
Withdrawal by, of S.J.R. No. 5	378
F	
FINN, THOS. F. Senator.	
Introduction by, of S.B. No. 23	21
Leave of absence	22, 94
Mileage	12
FISH AND GAME COMMISSIONERS. Appointment and confirmation.	7, 8, 13, 14, 15, 16, 20
FRENCH, WILL J. Appointment and confirmation as member of Industrial Accident Board	8, 13, 18
G	
GATES, LEE C. Senator.	
Appointment as committee to amend S.B. No. 27	252
Appointment as member of Committee on Conference on S.B. No. 11	460, 474
Appointment as member of Committee on Conference on S.B. No. 12	460, 473
Appointment on committee to notify Governor that Senate is ready to adjourn <i>sine die</i>	512, 513
In the chair	279
Introduction by, of S.J.R. No. 12	249
Leave of absence	33
Mileage	12
Motion by, to appoint committee to notify Governor of readiness of Senate to adjourn <i>sine die</i>	512
Report by, as chairman of Committee on Roads and Highways	354
Report by, as member of Judiciary Committee, on point of order in relation to A.C.A. No. 3	268
GOVERNOR, HIRAM W. JOHNSON. Appointments by, consideration and confirmation	7, 8, 13, 14, 15, 16, 17, 18, 19, 20
Message from, appointments announced, with request for confirmation	7
Message from, at time of convening, first day	5
Message from, calling second extra session	506
Proclamation by, convening first extra session	1
H	
HANS, GEORGE J. Senator.	
In the chair	412
Leave of absence	75, 267
Mileage	12
Reports by, as chairman of Committee on Printing	353, 395, 423, 477, 501, 502
Resolution by, condolence, on death of J. G. McCall	249
Resolution by, relative to display of Bear flag	418
HARBOR COMMISSIONER. At San Diego, appointment and confirmation	7, 13, 16
At San Francisco, appointment and confirmation	7, 13, 16
HARE, JOHN P. Senator.	
In the chair	484
Introduction by, of S.B. No. 3	6
Introduction by, of S.B. No. 10	9
Introduction by, of S.B. No. 33	34
Introduction by, of S.C.A. No. 4	26
Mileage	12
Motion by, to amend S.B. No. 33	65
Point of order and protest against the reapportionment and redistricting of the State into Senatorial and Assembly districts	486
Point of order by, in relation to reapportionment of State into Senatorial and Assembly districts	25, 61

HARE, JOHN P. Continued.	PAGE.
Protest by, against ruling of President of the Senate in regard to apportionment	61
Protest by, against ruling of President pro tem. in regard to apportionment	25
Report by, as minority of Committee on Election Laws	408, 409, 410
HEWITT, LESLIE R. Senator.	
Appointment as committee to amend S.B. No. 16	62
Appointment as member of Committee on Conference on S.B. No. 2	468, 471
Introduction by, of S.B. No. 21	21
introduction by, of S.B. No. 40	47
Introduction by, of S.B. No. 44	67
Explanation of attitude against A.B. No. 14	513
Leave of absence	7, 37
Mileage	12
Motion by, for call of the Senate	31
Motion by, to amend A.B. No. 70	434
Resolution by, for printing 500 additional copies of S.B. No. 44	468, 476
Resolution by, making A.B. No. 73 a case of urgency	421
Reports by, as chairman of Committee on County Government.	47, 58, 125, 126, 253, 341, 424
HIGHWAY COMMISSION OF CALIFORNIA. Allowed use of furniture from Senate committee rooms	43
HOLOHAN, JAMES B. Senator.	
Appointment as committee to amend A.B. No. 8	359
Before bar of Senate	510
In the chair	346
Mileage	12
HOSPITAL, STATE. Southern California, appointment and confirmation of Managers	8, 13, 16, 17
Stockton, appointment and confirmation of Manager	8, 13, 17
HURD, H. M. Senator.	
Amendment offered by to S.B. No. 27	139
Appointment as committee to amend A.B. No. 66	440
Appointment on committee to notify Assembly of readiness of Senate to adjourn <i>sine die</i>	513, 514
In the chair	447
Introduction by, of S.B. No. 39	47
Introduction by, of S.B. No. 41	61
Introduction by, of S.B. No. 45	68
Mileage	12
Reports by, as Chairman of Committee on Municipal Corporations	143, 253
Withdrawal by, of S.B. No. 39	396
I	
INDUSTRIAL ACCIDENT BOARD. Appointment and confirmation of members	8, 13, 17, 18
Newspaper comments on S.B. No. 11, question of personal privilege by Senator Roseberry	127
J	
JACKSON, R. H. Election of, as Minute Clerk	4
Mileage	12
See, also, MINUTE CLERK.	
JOHNSON, HIRAM W. See GOVERNOR.	
JOINT RESOLUTIONS. See ASSEMBLY JOINT RESOLUTIONS; also, INDEX TO SENATE JOINT RESOLUTIONS, <i>post</i> .	
JOINT RULES OF SENATE AND ASSEMBLY. Adoption	244
JULLIARD, L. W. Senator.	
Address by, relative to Bear flag	342
In the chair	265
Mileage	12
Reports by, as minority of Committee on Election Laws	408, 409, 410

L

	PAGE.
LARKINS, E. O. Senator.	
Introduction by, of S.B. No. 35.....	38
Introduction by, of S.C.A. No. 5.....	77
Mileage	12
Motion by, to amend A.B. No. 66.....	440
Personal privilege, question of, in regard to S.C.R. No. 3 (erroneously recorded in Journal as S.C.A. No. 3).....	479
Report by, as member of Judiciary Committee, on point of order in relation to A.C.A. No. 3.....	268
Withdrawal by, of S.C.A. No. 5.....	475
LEWIS, JOHN T. Senator.	
Leave of absence.....	33, 37, 46, 124, 279, 291, 379
Mileage	12
Report by, as Chairman of Committee on Irrigation.....	378
LIEUTENANT GOVERNOR. See WALLACE, ALBERT J.	

M

MARTINELLI, E. B. Senator.	
Appointment as member of Committee on Conference on S.B. No. 2	468, 471
Leave of absence.....	23, 75, 99, 282
Mileage	12
Reports by, as Chairman of Committee on Drainage, Swamp, and Overflowed Lands	35, 36
McCALL, J. G. Resolution of condolence at news of death of.....	249
McVAY, WM. E. Appointment and confirmation as Trustee of Reform School at Whittier	7, 13, 14
MEDITERRANEAN FRUIT FLY. Another extra session called by Governor to pass quarantine measure.....	506
MEETINGS OF SENATE. See ROLL CALL; SESSIONS.	
MESSAGES. From the Assembly. See ASSEMBLY MESSAGES.	
From the Governor. See GOVERNOR.	
MEYER, RABBI MARTIN A. Appointment and confirmation as member of State Board of Charities and Corrections.....	8, 13, 19
MILEAGE. Allowance to officers and members.....	12
MINUTE CLERK. Election of R. H. Jackson.....	4
Mileage allowed	12
See, also, JACKSON, R. H.	
MOFFITT, JAMES K. Appointment and confirmation as Regent of State University	7, 13, 15
MORRISON, W. I. Appointment and confirmation as member of Industrial Accident Board	8, 13, 18

N

NEWBERT, FRANK M. Appointment and confirmation as Fish and Game Commissioner	7, 13, 15, 16
NORMAL SCHOOL STATE. At San Diego. Appointment and confirmation of Trustees	8, 14, 19, 20
NITTER, W. B. Appointment and confirmation as manager of Stockton State Hospital	8, 13, 17

O

OFFICERS, OF SENATE. See, also, ATTACHÉS; CHAPLAIN; MINUTE CLERK; PRESIDENT PRO TEM.; SECRETARY OF SENATE; SERGEANT-AT-ARMS.	
Election of, at time of organization.....	4
ORGANIZATION. Of Assembly, notice of, received.....	5
Of Senate, and election of officers.....	5

P

PANAMA CALIFORNIA EXPOSITION. At San Diego. Communication from Director General	11
PARRISH, WALTER N. Allowed pay prior to organization of Senate	406
Election of, as Secretary of the Senate.....	4
Mileage	12
See, also, SECRETARY OF SENATE.	

	PAGE.
PEARSON, BENJ. F. Appointment and confirmation as Trustee of Reform School at Whittier.....	7, 13, 14
PILLSBURY, A. J. Appointment and confirmation as member of Industrial Accident Board.....	8, 13, 17, 18
PILOT COMMISSIONER, Harbor of San Diego. Appointment and confirmation.....	8, 13, 18, 19
POTTER, E. S. Appointment and confirmation as Pilot Commissioner for San Diego.....	8, 13, 19
PRESIDENT OF THE SENATE. Mileage allowed.....	12
Ruling by, on point of order raised in regard to apportionment of State into legislative districts.....	61
See, also, WALLACE, ALBERT J.	
PRESIDENT PRO TEM. Election of A. E. Boynton.....	4
Ruling by, on point of order raised in regard to apportionment of State into legislative districts.....	25
See, also, BOYNTON, A. E.	
PRINTER, STATE. See SUPERINTENDENT OF STATE PRINTING.	
PRISON DIRECTOR. Appointment and confirmation.....	8, 13, 17
PRIVILEGE OF FLOOR. Granted to visitors.....	180
PUBLIC UTILITIES ACT. (A.B. No. 1) Resolution for appropriation for distribution.....	438, 439
Resolution for printing 18,000 additional copies.....	406, 423
Resolution for printing 12,000 additional copies.....	438

R

REAPPORTIONMENT. See APPORTIONMENT.	
REFORM SCHOOL. Whittier. Appointment of Trustees.....	7, 13, 14
REGAN, D. P. Senator.	
Leave of absence.....	37
Mileage.....	12
RESOLUTIONS. A.C.A. No. 3, distribution of extra copies.....	479
A.C.A. No. 3, printing 12,000 copies.....	479, 501
A.C.A. No. 3, making appropriation to pay cost of providing copies of.....	502
Allowing pay to certain attachés for service rendered prior to organization.....	406
Appointment of committee to notify Assembly of readiness of Senate to adjourn <i>sine die</i>	513
Appointment of committee to notify Governor of readiness of Senate to adjourn <i>sine die</i>	512
Appropriation for boxing and shipping property of Senators to their places of residence at close of session.....	427
Attachés, appointment, dismissal, and payment of,	
8, 9, 11, 22, 24, 37, 38, 292, 349,	461
Authorizing Sergeant-at-Arms to receipt for salary warrants.....	11
Bear flag, display of.....	130, 141
Bear flag, display of upon Capitol building and other state institutions.....	418
California Highway Commission to be allowed use of furniture from Senate committee rooms.....	43
Committees, standing, of Senate, appointed.....	4
Condolence, on death of J. G. McCall.....	249
Declaring that A.B. No. 14 presents a case of urgency.....	507
Declaring A.B. No. 73 to present a case of urgency.....	421
Declaring that A.B. No. 74 presents a case of urgency.....	505
Declaring that S.B. No. 21 presents a case of urgency.....	30, 31
Election of statutory officers of Senate.....	4
Making additional appropriation for purpose of shipping property of members to their homes.....	439
Mileage, allowance of, to officers and members.....	12
Organization of Senate and election of officers.....	4
Payment of claim of Secretary of State for purchase of book.....	97, 179
Payment for printing 10,000 copies of report of Bureau of Standards in relation to weights and measures.....	503
Payment of certain claims (\$75.75).....	427
Payment of certain claims (\$284.63).....	427

RESOLUTIONS—Continued.	PAGE.
Payment of claim of J. H. Zemansky.....	435
Payment of claims.....	446
Payment of claims for supplies.....	466
Payment of claims for supplies.....	468
Payment of claims for supplies.....	502
Payment of claims.....	503
Printing of 18,000 Public Utilities Act (A.B. No. 1).....	406, 423
Printing 12,000 additional copies of Public Utilities Act (A.B. No. 1).....	438
Printing 10,000 copies of Direct Primary Law and Presidential Primary Law.....	481, 501, 502
Providing for printing 10,000 copies of report of Bureau of Standards relative to weights and measures.....	482, 501
Providing for printing additional copies of A.B. No. 64 and A.B. No. 70.....	482, 502
Publicity of reported irregularities in office of State Printer.....	30, 272, 392
Public Utilities Act (A.B. No. 1), appropriation for distribution.....	438, 439
Purchase of furniture for Senate Chamber.....	392
Purchase of new carpet for Senate Chamber.....	509
Purchase of new clock for Senate.....	511
Purchase of postage.....	13, 71
Relative to disposition of property of Senate after final adjournment.....	509
Relative to lobbying in case of free text book measure (A.C.A. No. 3).....	350
Relative to printing 500 additional copies of S.B. No. 44.....	468, 476, 477
Relative to the disposition of the archives of the Senate following final adjournment.....	472
Rules, standing, adoption of.....	4
Ventilation of Capitol building.....	420
RESOLUTIONS, CONCURRENT. See ASSEMBLY CONCURRENT RESOLUTIONS; also, INDEX TO SENATE CONCURRENT RESOLUTIONS, <i>post</i> .	
RESOLUTIONS, JOINT. See ASSEMBLY JOINT RESOLUTIONS; also, INDEX TO SENATE JOINT RESOLUTIONS, <i>post</i> .	
RICHARDSON, FRIEND WM. Appointment and confirmation as Superintendent of State Printing.....	8, 14, 20
ROBERTS, A. E. Appointment and confirmation as Harbor Commissioner at San Diego.....	7, 43, 16
ROLL CALL. See, also, VOTE.	
Attendance on daily sessions.....	1, 7, 11, 23, 26, 34, 37, 41, 46, 59, 75, 99, 124, 143, 247, 267, 291, 341, 359, 393, 417, 436, 470, 504
Call of the Senate.....	31, 269, 346, 352, 485, 510
ROSEBERRY, LOUIS H. Senator.	
Amendments offered by, to A.B. No. 14.....	508
Appointment as member of Committee on Conference on S.B. No. 11.....	460, 471
Appointment as member of Committee on Conference on S.B. No. 12.....	460, 473
Appointment as member of Committee on Free Conference on A.B. No. 66.....	469, 487, 500
Appointment as Committee to amend S.B. No. 11.....	439
In the chair.....	279
Introduction by, of S.B. No. 11.....	9
Introduction by, of S.B. No. 12.....	10
Introduction by, of S.B. No. 22.....	21
Introduction by, of S.B. No. 29.....	26
Mileage.....	12
Motion by, to adopt report of Committee on Conference on S.B. No. 12.....	473
Motion by, to adopt report of Committee on Conference and concur in Assembly amendments.....	474
Motion by, to amend S.B. No. 11.....	122
Motion by, to appoint a Committee on Conference on S.B. No. 11.....	446
Personal privilege, point of, in relation to S.B. No. 11.....	127
Point of order by, in relation to voting on amendment of A.C.A. No. 3.....	206
Reports by, as Chairman of Committee on Corporations.....	39, 61, 79, 108, 282
Resolution by, appointment of attachés.....	8
Resolution by, appointment of attachés.....	11
Resolution by, appointment of attachés.....	22
Resolution by, appointment of attachés.....	24

ROSEBERRY, LOUIS H.—Continued.	PAGE.
Resolution by, appointment of attachés.....	37, 38
Resolution by, dismissal of attachés.....	24
Resolution by, dismissal of attachés.....	37
Resolution by, dismissal of attachés.....	292
Resolution by, dismissal of attachés.....	461
RULES, JOINT, OF SENATE AND ASSEMBLY. Adoption.....	244
RULES, STANDING. Of Senate, adopted.....	4
RUSH, BENJ. F. Senator.	
Leave of absence.....	267
Mileage.....	12
Reports by, as chairman of Committee on Hospitals and Asylums.....	42, 129

S

SACRAMENTO. City charter (A.C.A. No. 2), adoption of by Assembly, notice to Senate.....	133
City charter (A.C.R. No. 2), adoption of, by Senate.....	182, 240
SAN DIEGO. Harbor Commissioner, appointment and confirmation.....	7, 13, 16
Pilot Commissioner, appointment and confirmation.....	8, 13, 18, 19
Normal School. Appointment and confirmation of Trustees.....	8, 14, 19, 20
SANFORD, J. B. Senator.	
Introduction by, of S.J.R. No. 3.....	38
Introduction by, of S.J.R. No. 4.....	43
Leave of absence.....	23
Mileage.....	12
Motion by, to amend A.B. No. 30.....	437
SAN FRANCISCO. Harbor Commissioner, appointment and confirmation, 7, 13, 16	
SAN JOAQUIN RIVER. Conservation of waters, communication from Madera County Chamber of Commerce.....	46
SECRETARY OF THE SENATE. Election of Walter N. Parrish.....	4
Mileage allowed.....	12
See, also, PARRISH, WALTER N.	
SEFTON, J. W. Director General of Panama-California Exposition at San Diego, communication from.....	11
SERGEANT-AT-ARMS, OF SENATE. Election of Joseph L. Coughlin.....	4
Mileage allowed.....	12
Resolution authorizing to receipt for salary warrants of members, officers, and attachés.....	11
See, also, COUGHLIN, JOS. L.	
SESSIONS, DAILY. Of Senate.	
Monday, November 27, 1911.....	1
Tuesday, November 28, 1911.....	7
Wednesday, November 29, 1911.....	11
Friday, December 1, 1911.....	23
Saturday, December 2, 1911.....	26
Monday, December 4, 1911.....	34
Tuesday, December 5, 1911.....	37
Wednesday, December 6, 1911.....	41
Thursday, December 7, 1911.....	46
Friday, December 8, 1911.....	59
Saturday, December 9, 1911.....	75
Monday, December 11, 1911.....	99
Tuesday, December 12, 1911.....	124
Wednesday, December 13, 1911.....	143
Thursday, December 14, 1911.....	247
Friday, December 15, 1911.....	267
Saturday, December 16, 1911.....	291
Monday, December 18, 1911.....	341
Tuesday, December 19, 1911.....	359
Wednesday, December 20, 1911.....	393
Thursday, December 21, 1911.....	417
Friday, December 22, 1911.....	436
Saturday, December 23, 1911.....	470
Sunday, December 24, 1911.....	504

	PAGE.
SHANAHAN, T. W. H. Senator.	
Appointment as member of committee to prepare argument for adoption of A.C.A. No. 3	511
Explanation by, of absence when vote was taking place on A.B. No. 30	418
Introduction by, of S.C.A. No. 1	6
Leave of absence	23
Mileage	12
Motion by, to amend A.C.A. No. 3	296, 297
Motion by, to print additional copies of S.C.A. No. 1	59
Report by, as member of Judiciary Committee on point of order in relation to A.C.A. No. 3	268
Resolution by, relative to printing 12,000 copies of A.C.A. No. 3	479
Resolution by, relative to shipping copies of A.C.A. No. 3	479, 501
SHANNON, W. W. Alleged irregularities in office while State Printer, resolution in relation to	30, 272, 392
SOUTHERN CALIFORNIA STATE HOSPITAL. Appointment and confirmation of managers	8, 13, 16, 17
SOUTHERN PACIFIC COMPANY. Invitation to visit agricultural and horticultural demonstration train	247
STANDING COMMITTEES. See COMMITTEES, STANDING.	
STANDING RULES. Of Senate	4
STATE PRINTER. See SUPERINTENDENT OF STATE PRINTING.	
STATE UNIVERSITY. Regents appointed	7, 13, 15
STETSON, JOHN W. Senator.	
Amendment offered by, to A.B. No. 30	416
Amendment offered by, to S.B. No. 6	67
Appointment as committee to amend S.B. No. 2	103
Appointment as committee to amend S.B. No. 27 (erroneously recorded on page 252 of Journal as S.B. No. 32)	251, 252
Appointment as member of Committee on Free Conference on A.B. No. 66	469, 487, 500
Appointment on committee to notify Governor of organization of Senate, and report by	5
In the chair	15, 43
Introduction by, of S.B. No. 4	6
Introduction by, of S.B. No. 42	62
Introduction by, of S.B. No. 43	67
Leave of absence	22, 75, 282
Mileage	12
Motion by, to amend S.B. No. 4	127
Motion by, for call of the Senate	510
Point of order by, in relation to A.B. No. 14	508
Report by, as member of Judiciary Committee, on point of order in relation to A.C.A. No. 3	273
Reports by, as chairman of Committee on Judiciary.	34, 42, 71, 77, 120, 121, 282, 354, 474
Resolution by, relative to notification to Governor of organization of Senate	4
STOCKTON. City charter (A.C.R. No. 1), adoption of, by Assembly, notice to Senate	133
City charter (A.C.R. No. 1), adoption of, by Senate	150, 179
STOCKTON STATE HOSPITAL. Appointment and confirmation of manager	8, 13, 17
STROBRIDGE, ED K. Senator.	
Appointment as committee to amend S.B. No. 4	127
Appointment as committee to amend S.B. No. 5	136
Appointment as committee to amend S.B. No. 46	377
Appointment as member of Committee on Conference on A.B. No. 66	461, 469
In the chair	383
Introduction by, of S.B. No. 5	6
Introduction by, of S.B. No. 36	40
Mileage	12
Reports by, as chairman of Committee on Education	76, 270, 475
Unanimous consent granted to, for use of Senate Chamber by Committee on Education	35

	PAGE.
SUPERINTENDENT OF STATE PRINTING. Appointment and confirmation	8, 14, 20
Resolution in regard to reported irregularities in office of W. W. Shannon.	30, 272, 392

T

THOMPSON, NEWTON W. Senator.	
Amendments offered by, to S.B. No. 27	136
Appointment as committee to amend S.B. No. 32	134
In the chair	346
Introduction by, of S.B. No. 27	25
Introduction by, of S.B. No. 49	180
Introduction by, of S.B. No. 52	262
Mileage	12
Motion by, for call of the Senate	485
Motion by, to amend S.B. No. 27	251
Reports by, as chairman of Committee on Apportionment and Representation	95, 108, 364, 507
Resolution by, making A.B. No. 14 a case of urgency	507
Resolution by, relative to disposition of the archives of the Senate following final adjournment	472
Resolution by, relative to standing rules and standing committees	4
TYRRELL, EDWARD J. Senator.	
Appointment on committee to notify Governor of readiness of Senate to adjourn <i>sine die</i>	512
Introduction by, of S.B. No. 6	7
Leave of absence	46, 75, 267
Mileage	12
Report by, as member of Judiciary Committee, on point of order in relation to A.C.A. No. 3	269
Reports by, as chairman of Committee on Banking	41, 42

U

UNIVERSITY OF CALIFORNIA. Regents appointed	7, 13, 15
URGENCY MEASURES. Manner of voting upon, determined	32
A.B. No. 14	507
A.B. No. 74	505, 506
S.B. No. 1	31
S.B. No. 21	32

V

VISITORS. Privileges of floor granted to	180
VOTE, AYES AND NOES. See, also, ROLL CALL.	
Allowance of mileage	12
Appropriation for boxing and shipping property of Senators to their places of residence at close of session	427
Attachés, appointment of	9, 11, 22, 24, 38, 350
Attachés, dismissal of	24, 37, 292, 461
Bear flag, resolution for display of	141
Committees, standing, appointment of	4
Confirmation of Governor's appointments	14, 15, 16, 17, 18, 19, 20
Disposition of property of Senate after close of session	509
A.B. No. 1, amendment to, by Senator Wright, rejection	279
A.B. No. 3, passage	97
A.B. No. 7, passage	421
A.B. No. 8, passage	400
A.B. No. 9, passage	402
A.B. No. 10, passage	403
A.B. No. 11, passage	403
A.B. No. 14, passage	511
A.B. No. 14, making case of urgency	507
A.B. No. 14, refusal to adopt proposed amendments to	509
A.B. No. 15, passage	384
A.B. No. 17, passage	402

VOTE. AYES AND NOES—Continued.

	PAGE.
A.B. No. 20, passage.....	150
A.B. No. 22, passage (error in Journal; bill withdrawn in Assembly).....	335
A.B. No. 24, passage.....	260
A.B. No. 26, passage.....	335, 336
A.B. No. 29, passage.....	135
A.B. No. 30, refusal to adopt amendment by committee of one.....	438
A.B. No. 30, refusal to adopt minority report of Committee on Elections and Election Laws.....	416
A.B. No. 30, passage.....	438
A.B. No. 32, passage.....	401
A.B. No. 39, passage.....	384
A.B. No. 41, passage.....	336
A.B. No. 45, passage.....	260
A.B. No. 48, passage.....	383
A.B. No. 49, passage.....	383
A.B. No. 50, passage.....	383
A.B. No. 53, passage.....	401
A.B. No. 58, passage.....	420
A.B. No. 63, passage.....	421
A.B. No. 64, passage.....	420
A.B. No. 65, passage.....	421
A.B. No. 66, adoption of report of Committee on Free Conference.....	500
A.B. No. 66, passage.....	440
A.B. No. 66, refusal to recede from Senate amendments.....	460
A.B. No. 67, passage.....	384
A.B. No. 70, passage.....	463
A.B. No. 70, refusal to adopt amendments.....	412
A.B. No. 71, passage.....	463
A.B. No. 73, passage.....	422
A.B. No. 73, resolution declaring that, presents a case of urgency.....	422
A.B. No. 74, declaring a case of urgency.....	506
A.B. No. 74, passage.....	506
A.C.A. No. 3, adoption.....	346
A.C.A. No. 3, amendment to, adoption.....	296
A.C.A. No. 3, decision on point of order raised in relation to pending amendments.....	295
A.C.A. No. 3, payment of cost of forwarding copies.....	502
A.C.A. No. 3, refusal to adopt amendment to.....	345
A.C.A. No. 3, resolution to print 12,000 copies.....	501
A.C.R. No. 1, adoption.....	179
A.C.R. No. 2, adoption.....	240
A.C.R. No. 4, adoption.....	385
A.C.R. No. 6, adoption.....	29
A.C.R. No. 11, adoption.....	419
A.J.R. No. 1, adoption.....	254
A.J.R. No. 3, adoption.....	341
A.J.R. No. 6, adoption.....	462
Organization of Senate, and election of officers.....	4
Payment for printing 10,000 copies of report of Bureau of Standards in relation to weights and measures.....	503
Payment of certain attachés for services prior to organization.....	406
Payment of claims for supplies.....	268
Payment of claims for supplies (\$284.63).....	427
Payment of claims for supplies (\$75.75).....	427
Payment of claims for supplies.....	447, 466, 468, 502, 503
Payment of claim of J. H. Zemansky.....	435
Postage, purchase of.....	13
Printing 18,000 copies of Public Utilities Act (A.B. No. 1).....	423
Public Utilities Act (A.B. No. 1), appropriation for distribution.....	439
Purchase of new carpet for Senate Chamber.....	510
Purchase of furniture for Senate Chamber.....	392
Refusal to purchase new clock for Senate.....	512
Resolution appropriating additional money for shipping property of members to their homes.....	439

VOTE, AYES AND NOES—Continued.	PAGE.
Resolution relating to the care and disposition of the archives of the Senate following final adjournment.....	472
Resolution to print 12,000 additional copies of Public Utilities Act (A.B. No. 1)	438
Rules, standing, adoption of.....	4
Secretary of State, resolution for payment of claim of.....	180
S.B. No. 1 made a case of urgency.....	31
S.B. No. 1, passage.....	98
S.B. No. 2, adoption of report of Committee on Free Conference.....	479
S.B. No. 2, refusal to concur in Assembly amendments.....	445
S.B. No. 3, concurrence in Assembly amendments.....	358
S.B. No. 3, passage.....	105
S.B. No. 4, concurrence in Assembly amendments.....	432
S.B. No. 4, passage.....	241
S.B. No. 5, passage.....	250
S.B. No. 6, passage.....	241
S.B. No. 7, passage.....	355
S.B. No. 9, passage.....	134
S.B. No. 10, passage.....	57
S.B. No. 11, adoption of report of Committee on Conference and concurrence in Assembly amendments.....	474
S.B. No. 11, passage.....	141
S.B. No. 11, refusal to concur in Assembly amendments.....	395
S.B. No. 12, adoption of report of Conference Committee and concurrence in Assembly amendments.....	473
S.B. No. 12, passage.....	121
S.B. No. 12, refusal to concur in Assembly amendments to.....	405
S.B. No. 13, passage.....	44
S.B. No. 13, refusal to adopt amendments to.....	44
S.B. No. 14, passage.....	74
S.B. No. 16, passage.....	102
S.B. No. 20, passage.....	379
S.B. No. 21, made an urgency measure.....	32
S.B. No. 21, passage.....	32
S.B. No. 22, passage.....	242
S.B. No. 23, passage.....	63
S.B. No. 24, passage.....	78
S.B. No. 27, passage.....	277
S.B. No. 28, Assembly amendments, concurrence in.....	258
S.B. No. 29, passage.....	57
S.B. No. 30, passage.....	97
S.B. No. 31, passage.....	106
S.B. No. 32, concurrence in Assembly amendments.....	433
S.B. No. 32, passage.....	250
S.B. No. 33, concurrence in Assembly amendments.....	358
S.B. No. 33, passage.....	104
S.B. No. 34, passage.....	140
S.B. No. 36, passage.....	79
S.B. No. 37, passage.....	378
S.B. No. 38, passage.....	261
S.B. No. 42, concurrence in Assembly amendments.....	433
S.B. No. 42, passage.....	241
S.B. No. 43, passage.....	242
S.B. No. 44, concurrence in Assembly amendments.....	446
S.B. No. 44, passage.....	340
S.B. No. 46, passage.....	415
S.B. No. 48, adoption of amendments.....	351
S.B. No. 48, concurrence in Assembly amendments.....	465
S.B. No. 48, passage.....	381
S.B. No. 48, postponement of reconsideration of vote by which amendments were adopted.....	351
S.B. No. 48, reconsideration of amendments adopted.....	351
S.B. No. 48, rejection of amendments to proposed by Senator Boynton.....	352
S.B. No. 49, passage.....	399

VOTE, AYES AND NOES—Continued.

PAGE.

S.B. No. 53, passage	357
S.B. No. 54, passage	400
S.C.A. No. 2, refusal to adopt	363
S.C.A. No. 3, adoption	56
S.C.A. No. 7, adoption	398
S.C.R. No. 1, adoption	28
S.C.R. No. 2, adoption	246
S.C.R. No. 3, adoption	356
S.C.R. No. 4, adoption	476
S.C.R. No. 4, concurrence in Assembly amendments	485
S.J.R. No. 1, adoption	105
S.J.R. No. 2, adoption	33
S.J.R. No. 4, adoption	145
S.J.R. No. 4, concurrence in Assembly amendments	481
S.J.R. No. 6, concurrence in Assembly amendments	481
S.J.R. No. 6, adoption	263
S.J.R. No. 7, adoption	293
S.J.R. No. 8, passage (erroneously recorded in Journal as S.J.R. No. 7)	96
S.J.R. No. 9, adoption	339
S.J.R. No. 10, adoption	264
S.J.R. No. 10, concurrence in Assembly amendments	466
S.J.R. No. 12, adoption	382
S.J.R. No. 13, adoption	382
S.J.R. No. 14, adoption	399
S.J.R. No. 16, adoption	476
Ventilation of Capitol building	420

W

WALKER, GEO. S. Senator.

In the chair	511
Introduction by, of S.B. No. 28	26
Introduction by, of S.C.A. No. 2	21
Mileage	12

WALLACE, ALBERT J. LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE.

Called Senate to order, on convening of Senate in extraordinary session	1
Illness of, telegram in reference to	40
In the chair	1, 5, 46, 59, 75, 95, 99, 108, 124, 129, 131, 143, 180, 247, 256, 267, 275, 291, 299, 341, 359, 364, 393, 398, 406, 413, 417, 424, 426, 434, 436, 460, 469, 470, 476, 478, 482, 486, 504, 505, 506
Mileage	12

See, also, LIEUTENANT GOVERNOR; PRESIDENT OF THE SENATE.

WEIGHTS AND MEASURES. Report of an investigation by Bureau of Standards at Washington.

Resolution providing for printing 10,000 copies of report of Bureau of Standards	299
	482, 501

WELCH, RICHARD J. Senator.

Appointment as member of Committee on Conference on S.B. No. 2	468, 471
In the chair	363
Introduction by, of S.B. No. 2	6
Introduction by, of S.J.R. No. 7	95
Leave of absence	23
Mileage	12
Motion by, to amend S.B. No. 2	103
Motion by, to amend S.B. No. 5	136
Request by, to have printed in the Journal a letter from the Bureau of Standards at Washington, relative to weights and measures	299
Resolution by, relative to payment for printing of 10,000 copies of report of Bureau of Standards in regard to weights and measures	503
Resolution by, relative to printing 10,000 copies of report of Bureau of Standards, relating to weights and measures	482, 501

WESTERFELD, CARL. Appointment and confirmation as Fish and Game Commissioner

	8, 14, 20
WHEELER, CHARLES S. Appointment and confirmation as Regent of State University	7, 13, 15

	PAGE.
WHITTIER REFORM SCHOOL. Appointment of Trustees	7, 13, 14
WILLIAMS, THOMAS S. Appointment and confirmation as Harbor Commissioner at San Francisco	7, 13, 16
WOLFE, EDWARD I. Senator.	
Amendment offered by, to A.C.A. No. 3.....	345
Amendment offered by, to S.B. No. 27.....	139
Appointment as member of Committee on Conference on S.B. No. 12.....	460, 473
Appointment as member of Committee on Conference on S.B. No. 11	460, 474
Appointment as member of Committee on Free Conference on S.B. No. 2	471, 479
Appointment on committee to notify Assembly of readiness of Senate to adjourn <i>sine die</i>	513, 514
In the chair	25, 355, 510
Introduction by, of S.C.R. No. 1.....	28
Introduction by, of S.J.R. No. 2.....	32
Leave of absence.....	75, 265, 267, 291, 504
Mileage	12
Motion by, as to printing additional copies of laws without names of Senators thereon	465
Motion by, for call of the Senate during consideration of A.C.A. No. 3.....	346
Motion by, in regard to voting on urgency measures.....	32
Motion by, to amend S.B. No. 13.....	43
Motion by, to appoint Committee on Free Conference on A.B. No. 66.....	469
Motion by, to request Assembly to appoint a Committee on Conference for A.B. No. 66.....	465
Points of order by, in relation to A.C.A. No. 3.....	257, 266, 268, 295
Question of privilege in regard to speech made relative to members of San Francisco Delegation.....	392
Unanimous consent granted to, that clergymen be permitted to use Senate Chamber for purpose of mass meeting to protest against action of Russian Government in violating treaty provisions.....	59
Withdrawal by, of S.C.R. No. 1.....	29
WOODMAN, REV. CLARENCE, C.S.P. Prayers by.	1, 7, 11, 23, 27, 34, 37, 41, 46, 59, 75
WRIGHT, LEROY A. Senator.	
Amendments offered by, to A.B. No. 1.....	255, 279, 280
Appeal by, from ruling of President in regard to point of order by Senator Wolfe in regard to amendments proposed to A.C.A. No. 3.....	295
Appointment as member of Committee on Free Conference on S.B. No. 2,	471, 479
Explanation by, of vote on S.C.R. No. 3.....	362
Explanation of vote on A.B. No. 30.....	439
Introduction by, of S.B. No. 31.....	28
Introduction by, of S.B. No. 34.....	38
Mileage	12
Motion by, to amend S.B. No. 27.....	252
Motion by, to print in Journal communication from Director General of Panama-California Exposition	11
Point of order by, "no quorum" present.....	269
Report by, as member of Judiciary Committee, on point of order in relation to A.C.A. No. 3.....	268
Report by, as minority of Committee on Election Laws.....	408, 409, 410
Report by, as chairman of Committee on Federal Relations,	47, 58, 125, 242, 254, 255, 292, 461, 475
Resolution by, in regard to reported irregularities in office of State Printer	30, 272, 392
Resolution by, to investigate reported lobbying in case of A.C.A. No. 3.....	350
Resolution by, to pay claim of Secretary of State.....	97, 179
Withdrawal by, of amendment to A.B. No. 30.....	415
WYMAN, REV. H. H. Election of, as Chaplain of Senate.....	4
Prayers by.....	124, 143, 247, 267, 291, 359, 393, 417, 436, 504, 514
See, also, CHAPLAIN.	

INDEX TO SENATE BILLS.

(For action on or reference to Senate Bills occurring in the proceedings of the Assembly, see Assembly Journal pages as indicated.)

- 1—Black—An Act to amend sections one, three, four, nine, ten and eleven of an Act known as "The Building and Loan Commission Act," Chapter 354, Laws of 1911, approved April 5, 1911, relating to the powers and duties of the Building and Loan Commissioner.
Senate action or reference: pp. 6, 42, 49, 76, 77, 78, 98, 148, 149, 258, 294.
See, also, Assembly Journal, pp. 109, 110, 118, 119, 126, 227, 239, 240.
- 2—Welch—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this Act; for the admission in evidence of copies of the State's standards of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this Act including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this Act into effect.
Senate action or reference: pp. 6, 42, 49, 50, 51, 52, 53, 54, 55, 74, 75, 76, 77, 78, 102, 103, 132, 133, 134, 444, 445, 467, 468, 471, 477, 478, 479.
See, also, Assembly Journal, pp. 220, 234, 256, 297, 312, 313, 314, 315, 316, 336, 337, 338, 339, 340, 355, 377, 379, 381, 383, 384, 392.
- 3—Hare—An Act to amend Section 1280 of the Political Code of the State of California, relating to the official canvass of election returns.
Senate action or reference: pp. 6, 71, 73, 100, 105, 357, 358, 398.
See, also, Assembly Journal, pp. 109, 110, 219, 240, 241, 255, 281, 302, 303.
- 4—Stetson—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149e and 4149f, providing for the appointment of a registrar of voters, prescribing his duties, and fixing his term of office.
Senate action or reference: pp. 6, 47, 65, 66, 100, 104, 127, 128, 240, 241, 428, 429, 430, 431, 432, 482.
See, also, Assembly Journal, pp. 234, 248, 249, 250, 251, 269, 279, 290, 291, 292, 293, 294, 295, 333, 334.
- 5—Strobridge—An Act to amend section four thousand and thirteen of the Political Code of California, relating to the officers of a county.
Senate action or reference: pp. 6, 58, 67, 76, 77, 79, 125, 126, 136, 248, 250, 427, 428, 446.
See, also, Assembly Journal, pp. 243, 279, 295, 333.
- 6—Tyrrell—An Act to amend Section 4232 of the Political Code of California, relating to the salaries and fees of officers in counties of the third class.
Senate action or reference: 7, 58, 67, 96, 97, 98, 105, 125, 144, 241, 428, 446.
See, also, Assembly Journal, pp. 234, 235, 279, 295, 333, 334.
- 7—Burnett—An Act making an appropriation for the purpose of carrying out the provisions of the California Railroad Commission Act.
Senate action or reference: pp. 9, 261, 262, 295, 339, 355, 428, 446.
See, also, Assembly Journal, pp. 281, 301, 311, 312, 340.

8—Burnett—An Act to amend Section 1855a of the Code of Civil Procedure, relative to the introduction of abstracts of title in evidence.

Senate action or reference: pp. 9, 249, 259, 273, 294, 295.

9—Burnett—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amend section fifteen thereof relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act.

Senate action or reference: pp. 9, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 129, 130, 131, 132.

10—Hare—An Act to amend Section 1142 of the Political Code of the State of California, relating to elections.

Senate action or reference: pp. 9, 38, 44, 56, 57.

See, also, Assembly Journal, pp. 58, 408.

11—Roseberry—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this act a sum not to exceed twelve thousand five hundred dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled, "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911."

Senate action or reference: pp. 9, 39, 44, 68, 69, 99, 100, 102, 121, 122, 127, 140, 141, 391, 395, 426, 446, 460, 467, 473, 474, 480, 500.

See, also, Assembly Journal, pp. 220, 244, 245, 256, 277, 278, 286, 323, 324, 325, 376, 379, 385, 386.

12—Roseberry—An Act to provide for the keeping by employers of a record of injuries suffered by their employees; the reporting of such injuries to the Industrial Accident Board by employers and attending physicians; the keeping by employers and insurance companies of records of claims for injuries suffered by employees and of compromises and settlements made therefor and requiring the reporting thereof to said board; and fixing a penalty for refusal or neglect to keep such records or make such reports.

Senate action or reference: pp. 10, 60, 61, 71, 72, 108, 121, 405, 426, 460, 467, 473, 480, 500.

See, also, Assembly Journal, pp. 119, 244, 245, 256, 257, 286, 287, 305, 325, 377, 379, 386, 387.

13—Boynton—An Act relating to the advertising and publication of notices, publications and advertisements by State officers, boards, commissions, bureaus and departments, directing that all notices, advertisements and publications when prepared be delivered to the State Board of Control and vesting in the State Board of Control the exclusive charge, control, supervision, direction, designation, management and regulation of the giving, advertising, noticing and publication of all advertisements, publications and notices to be inserted in newspapers or other mediums, revoking all such authority heretofore given to any State officer, board, commission, bureau or department, and repealing all Acts and parts of Acts in conflict herewith.

Senate action or reference: pp. 10, 34, 39, 43, 44, 133, 294, 295.

See, also, Assembly Journal, pp. 54, 61, 92, 116, 117.

- 14—Bills—An Act excluding certain lands from Reclamation District No. 535, and providing for the continuance of said district as to the remaining lands within the boundaries thereof, and providing that the lands so excluded shall be liable for their just proportion of the legal indebtedness of said district, when the same shall be ascertained by law.
Senate action or reference: pp. 20, 39, 42, 45, 69, 70, 74, 243, 244, 294.
See, also, Assembly Journal, pp. 76, 107, 124, 226.
- 15—Bell—An Act to amend section ten hundred ninety-six of the Political Code of the State of California.
Senate action or reference: pp. 20, 144, 181, 256, 293, 381, 396, 418, 462.
- 16—Bell—An Act to amend section eleven hundred and six of the Political Code of the State of California, relating to cancellation of names entered in the great register.
Senate action or reference: pp. 21, 38, 44, 56, 57, 62, 99, 100, 102, 443, 444, 483.
See, also, Assembly Journal, pp. 109, 110, 296, 340, 352.
- 17—Bell—An Act to amend section ten hundred and eighty-three of the Political Code of the State of California, relating to and defining qualified electors.
Senate action or reference: pp. 21, 144, 181, 247, 248, 252, 293, 335.
- 18—Avey—An Act to amend section seventeen of the Political Code of the State of California, relating to definitions of certain terms used in said Code.
Senate action or reference: pp. 21, 144, 181, 248, 252, 293, 381.
- 19—Avey—An Act to amend section four thousand and twenty-three of the Political Code of the State of California, relating to eligibility to county, district and township offices.
Senate action or reference: pp. 21, 144, 181, 248, 252, 292, 293.
- 20—Birdsall—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by Congress to the State of California for the benefit of the public schools, and internal improvements, authorizing the conveyance of land by officers of the State for the purpose of making such adjustments and settlement, and making an appropriation to carry out the provisions hereof.
Senate action or reference: pp. 21, 27, 261, 265, 295, 298, 299, 343, 355, 379, 443, 444, 483.
See, also, Assembly Journal, pp. 298, 312, 340, 344, 355.
- 21—Hewitt—An Act to legalize registration of electors.
Senate action or reference: pp. 21, 27, 28, 30, 31, 32.
See, also, Assembly Journal, pp. 35, 36, 37.
- 22—Roseberry—An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor, and fixing a license fee.
Senate action or reference: pp. 21, 107, 108, 122, 123, 240, 242, 391, 416.
See, also, Assembly Journal, pp. 234, 235, 245, 257, 287, 288.
- 23—Finn—An Act to amend Section 2185c of the Political Code of the State of California.
Senate action or reference: pp. 21, 42, 55, 60, 63.
See, also, Assembly Journal, pp. 71, 409.
- 24—Cuttan—An Act to amend section one of an Act entitled "An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, county and county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten which is provided in section fourteen of article thirteen of the Constitution of this State and as provided in an Act of the thirty-ninth session of the Legislature entitled 'An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of State from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation,'" approved April 26, 1911.
Senate action or reference: pp. 21, 48, 66, 76, 77, 78, 447, 483.
See, also, Assembly Journal, pp. 109, 110, 230, 297, 340, 341, 358, 359.

25. Cullen—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section twenty thereof.
Senate action or reference: pp. 22, 41, 42, 49, 58, 60, 67, 68, 70.
26. Curtin—An Act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the State school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and for providing a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller.
Senate action or reference: pp. 24, 41, 42, 49, 58, 60, 62, 77, 107, 135.
27. Thompson—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four, of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891; and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1911, and all other Acts in conflict with this Act.
Senate action or reference: pp. 25, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 136, 137, 138, 139, 140, 248, 250, 251, 252, 253, 276, 277.
See, also, Assembly Journal, p. 257.
28. Walker—An Act to amend an Act entitled "An Act to define and regulate the business of banking," by amending sections twelve and twelve *a* thereof, relating to the corporate names of associations other than banks.
Senate action or reference: pp. 26, 41, 48, 49, 69, 70, 74, 258, 294.
See, also, Assembly Journal, pp. 76, 127, 227, 228, 240, 243.
29. Roseberry—An Act to amend Section 1 of an Act entitled "An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee," approved May 1, 1911, relating to reciprocal or interinsurance against loss or other damage to property.
Senate action or reference: pp. 26, 39, 45, 56, 57, 67, 73.
See, also, Assembly Journal, pp. 58, 409.
30. Boynton—An Act approving the report of the California Débris Commission, transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries, or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers.
Senate action or reference: pp. 26, 36, 48, 66, 96, 97, 443, 444, 483.
See, also, Assembly Journal, pp. 109, 110, 118, 126, 227, 297, 340, 341, 352.
31. Wright—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness and the distribution of their property," approved February 10, 1903, and amended March 3, 1909, by adding a new section thereto to be numbered Section 24.
Senate action or reference: pp. 28, 77, 80, 100, 105, 106, 404, 424.
See, also, Assembly Journal, pp. 109, 110, 127, 227, 302.
32. Burnett—An Act to amend Section 1094 of the Political Code of the State of California, relating to the registration of voters.
Senate action or reference: pp. 32, 62, 72, 108, 121, 126, 134, 135, 248, 250, 428, 432, 433, 483.
See, also, Assembly Journal, pp. 243, 265, 289, 307, 335, 336, 351.

- 33—Hare—An Act to amend Section 4 of an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act" (approved March 20, 1903).
Senate action or reference: pp. 34, 45, 46, 55, 60, 63, 64, 65, 99, 100, 103, 104, 357, 358, 398.
See, also, Assembly Journal, pp. 109, 110, 219, 241, 255, 256, 281.
- 34—Wright—An Act validating the formation and organization, and determining the boundaries of Imperial Irrigation District in the county of Imperial, State of California.
Senate action or reference: pp. 38, 120, 123, 133, 140, 391, 416.
See, also, Assembly Journal, pp. 220, 230, 242, 256, 276.
- 35—Larkins—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts.
Senate action or reference: p. 38.
- 36—Strobridge—An Act to amend Section 1837 of the Political Code, relating to the levying of district school taxes by boards of supervisors.
Senate action or reference: pp. 40, 58, 66, 76, 77, 78, 243, 244, 294.
See, also, Assembly Journal, pp. 110, 125, 128, 227.
- 37—Birdsall—An Act to amend Section 3494 of the Political Code of the State of California, relating to the sale of school lands.
Senate action or reference: pp. 43, 249, 258, 267, 339, 355, 378, 444, 483.
See, also, Assembly Journal, pp. 298, 312, 344, 354.
- 38—Cuttan—An Act to authorize the Superintendent of Capitol Building and Grounds to employ extra help for the extra session of the thirty-ninth Legislature for the month of December, 1911, and appropriating money therefor.
Senate action or reference: pp. 46, 143, 148, 254, 261, 404, 424.
See, also, Assembly Journal, pp. 243, 272, 273, 288, 304, 305.
- 39—Hurd—An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for conveyance of such water to the place of use."
Senate action or reference: pp. 47, 77, 79, 100, 105, 120, 121, 126, 145, 252, 293, 381, 396.
- 40—Hewitt—An Act to provide for the incorporation and organization and management of municipal water districts and to provide for the acquisition or construction thereby of waterworks, and for the acquisition of all property necessary therefor; and also to provide for the distribution and sale of water by said districts.
Senate action or reference: pp. 47, 145, 146, 147, 148, 256, 291, 298.
- 41—Hurd—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts.
Senate action or reference: p. 61.
- 42—Stetson—An Act to amend Section 4017 of the Political Code with reference to the consolidation of county offices.
Senate action or reference: pp. 62, 126, 128, 240, 241, 428, 433, 483.
See, also, Assembly Journal, pp. 234, 235, 249, 251, 269, 279, 333, 351.
- 43—Stetson—An Act to amend Section 4020 of the Political Code, referring to consolidation of county offices.
Senate action or reference: pp. 67, 125, 128, 129, 145, 242, 428, 446.
See, also, Assembly Journal, pp. 234, 235, 279, 295, 324.
- 44—Hewitt—An Act to provide for submitting to the qualified electors of every city and county, incorporated city or town in this State the question whether such city and county, or incorporated city or town shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the voters of any such city and county or incorporated city or town shall have voted to

retain such powers or to reinvest such city and county or incorporated city or town, with such powers, in case the voters thereof have voted to surrender such powers.

Senate action or reference: pp. 67, 282, 283, 284, 285, 286, 287, 339, 340, 444, 445, 446, 468, 476, 477, 483.

See, also, Assembly Journal, pp. 274, 288, 290, 296, 297, 301, 335, 351, 352, 376, 383.

- 45—Hurd—An Act to amend Section 117 of the Political Code, relating to the division of the State into congressional districts and defining and establishing such districts.

Senate action or reference: p. 68.

- 46—Caminetti—An Act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights, or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

Senate action or reference: pp. 98, 282, 287, 288, 289, 290, 339, 340, 357, 362, 363, 377, 406, 407, 414, 415, 426.

See, also, Assembly Journal, pp. 351, 409.

- 47—Estudillo—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Senate action or reference: pp. 100, 246, 247, 249, 259, 267, 339, 355, 379, 395, 396.

- 48—Caminetti—An Act regulating and limiting the appropriation of water and the use of water for generating electricity or electrical or other power: fixing the terms and conditions and providing the manner and procedure upon which water or the use of water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder: providing for the issuing of licenses for water or the use of water for generating electricity or electrical or other power and limiting rights under such licenses: prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for longer period than forty years: limiting the right to water or the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated: declaring certain water to be unappropriated: providing for the granting of licenses to divert and store surplus and flood water for generating electricity, or electrical or other power and declaring what is surplus water: reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water or the use of water appropriated may be sold, rented or distributed: reserving to the State the right to impose charges for water or the use of water appropriated for electricity or electrical or other power and fixing fees and charges: preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity, or electrical or other power and providing a penalty therefor: creating and establishing a state water commission: providing the powers and duties of said water commission and fixing their compensation: compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said water commission: providing for the appointment and compensation of employees and assistants to said water commission: limiting the expenses of said water commission and providing for the payment thereof: making an appropriation to carry out the provisions of this Act: fixing the place of business of said water commission: declaring the diversion of water or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act: repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power: fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and

providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity, or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water of the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control; providing the power and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations, and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity or electrical or other power otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act: repealing all Acts and parts of Acts in conflict with this Act," approved April 8, 1911.

Senate action or reference: pp. 100, 101, 102, 142, 271, 273, 274, 275, 277, 278, 280, 281, 282, 323, 324, 347, 348, 349, 350, 351, 352, 353, 360, 361, 379, 380, 381, 463, 464, 465, 483, 484.
See, also, Assembly Journal, pp. 298, 299, 303, 304, 341, 342, 343, 344, 352, 353, 355, 374, 375, 380, 381.

- 49—Thompson—An Act to amend section one hundred and twenty-five of the Political Code, relating to the division of the State into equalization districts.

Senate action or reference: pp. 180, 364, 386, 389, 394, 399, 400.
See, also, Assembly Journal, p. 320.

- 50—Cartwright—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

Senate action: pp. 242, 253, 273, 342, 355, 356, 357.

- 51—Bills—An Act to amend section eleven hundred and twenty of the Political Code relating to registration and the qualification of voters.

Senate action: p. 256.

- 52—Thompson—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State of California into congressional districts," approved March 11, 1891, and also to repeal an Act entitled "An Act to divide the State into congressional districts, and to provide for the election of members of the House of Representatives of the United States therein," approved March 23, 1901, and all other Acts in conflict with this Act.

Senate action or reference: pp. 262, 364, 365, 377, 400, 403, 404, 419, 462, 472.

- 53—Burnett—An Act to make appropriation for the contingent expenses of the Senate for the extra session of the thirty-ninth Legislature of the State of California during the sixty-third fiscal year.

Senate action or reference: pp. 272, 299, 321, 343, 357, 418, 435.
See, also, Assembly Journal, pp. 281, 297, 312, 317.

- 54—Curtin—An Act to amend section thirty-one of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for irrigation

of the lands embraced within such district, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Senate action or reference: pp. 297, 378, 386, 390, 394, 400, 447, 483.

See, also, Assembly Journal, pp. 320, 344, 345, 359.

- 55—Hewitt—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, by amending Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 20, 22, 24, 27 and 28 of said Act, and by repealing Sections 16, 21 and 31 of said Act, and by adding a new section to said Act, to be designated as Section 29, relating to the duties of the county clerk and registrar of voters; also by adding a new section to said Act to be designated as Section 30, relating to the continuance of proceedings heretofore commenced under said Act; also by adding a new section to said Act to be designated Section 31, amending the title of said Act, to read as follows: "An Act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts."

Senate action or reference: pp. 353, 354, 378, 386, 390, 405, 407.

INDEX TO SENATE CONSTITUTIONAL AMENDMENTS.

(For action on or reference to Senate Constitutional Amendments occurring in the proceedings of the Assembly, see Assembly Journal pages as indicated.)

- 1—Shanahan—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books.

Senate action or reference: pp. 6, 35, 59, 76, 106, 123, 124, 511.

- 2—Walker—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six, article four thereof.

Senate action or reference: pp. 21, 95, 106, 107, 126, 145, 253, 292, 346, 349, 351, 352, 361, 362, 363.

- 3—Curtin—A resolution to propose to the people of the State of California an amendment to Section 16½ of article eleven of the Constitution, relating to the deposits of moneys belonging to the State, or to any county or municipality within the State.

Senate action or reference: pp. 24, 42, 56, 59, 60, 133, 295, 511.

See, also, Assembly Journal, pp. 71, 92, 117.

- 4—Hare—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IV of the Constitution, relating to the election of members of the General Assembly, by providing for minority representation in the General Assembly.

Senate action or reference: pp. 26, 394, 419, 472.

- 5—Larkins—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and use of such text-books.

Senate action or reference: pp. 77, 475.

- 6—Campbell—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of Article IV thereof, relating to senatorial and assembly districts.

Senate action or reference: p. 95.

- 7—Campbell—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of article four thereof, relating to Senatorial and Assembly districts, and repealing section twenty-seven of article four of said Constitution, relating to congressional districts and the formation thereof.

Senate action or reference: pp. 249, 382, 396, 397, 398, 402, 471.

See, also, Assembly Journal, pp. 317, 318, 319, 330, 331, 383, 384.

- 8—Caminetti—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section eight of article thirteen thereof, relating to taxation by counties and municipalities.

Senate action or reference: pp. 253, 292, 474.

INDEX TO SENATE CONCURRENT RESOLUTIONS.

(For action on or reference to Senate Concurrent Resolutions occurring in the proceedings of the Assembly, see Assembly Journal pages as indicated.)

- 1—Wolfe—Relating to an invitation to be extended to the committee appointed by the Legislature of the State of New York now visiting the State of California for the purpose of examining the site of the Panama-Pacific International Exposition, to visit the California Legislature, now convened in special session at the State Capitol in the city of Sacramento.

Senate action or reference: pp. 28, 29.

- 2—Boynton—Relative to joint rules.

Senate action or reference: pp. 244, 245, 246, 440, 441, 442, 443, 483.

See, also, Assembly Journal, pp. 234, 235, 308, 309, 310, 311, 346, 347, 348, 349, 376.

- 3—Boynton—Relative to the teaching of patriotism in the public schools of California.

Senate action or reference: pp. 256, 270, 339, 356, 360, 362, 363, 448, 479, 483.

See, also, Assembly Journal, pp. 282, 326, 356.

- 4—Cuttin—Relative to final adjournment of the thirty-ninth (extra) session of the Legislature of the State of California.

Senate action or reference: pp. 406, 422, 423, 436, 462, 478, 485, 514.

See, also, Assembly Journal, 393, 409.

INDEX TO SENATE JOINT RESOLUTIONS.

(For action on or reference to Senate Joint Resolutions occurring in the proceedings of the Assembly, see Assembly Journal pages as indicated.)

- 1—Curtin—A resolution requesting the Congress of the United States to cede Yosemite Valley, and the watershed surrounding the same, to the State of California.

Senate action or reference: pp. 24, 47, 63, 64, 100, 104, 105.

See, also, Assembly Journal, pp. 109, 110, 408.

- 2—Wolfe—Relating to the action of the Russian Government in discriminating against the admission of certain classes of American citizens into that country.

Senate action or reference: pp. 32, 33, 41.

See, also, Assembly Journal, pp. 35, 46, 51.

- 3—Sanford—Relative to restricting Japanese and other Asiatic immigration.

Senate action or reference: pp. 38, 58, 64, 78, 107, 126, 145, 252, 338, 355, 378, 395, 418, 462, 472.

- 4—Sanford—Relative to the election of the President and Vice-President of the United States by a direct popular and nation-wide vote.

Senate action or reference: pp. 43, 125, 145, 240, 480, 481, 500.

See, also, Assembly Journal, pp. 230, 344, 357, 389.

- 5—Estudillo—Referring to the Yosemite Valley and Mariposa grove of big trees.

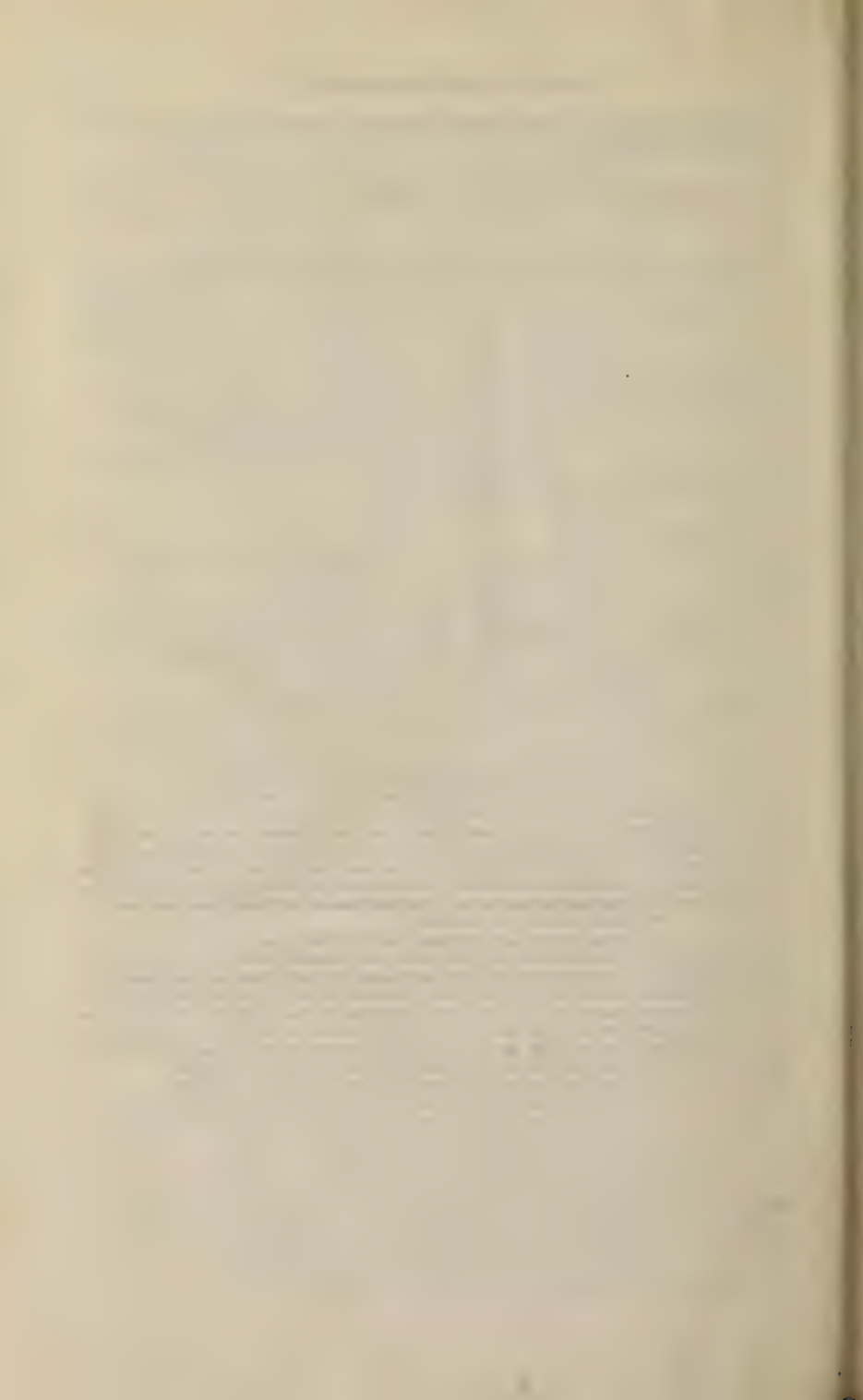
Senate action or reference: pp. 47, 125, 338, 354, 355, 378.

- 6—Curtin—Relative to a canal constructed from the San Joaquin River near Pollasky, in Fresno County, to a point in San Joaquin County near Stockton.

Senate action or reference: pp. 47, 254, 263, 264, 267, 480, 481, 500.

See, also, Assembly Journal, pp. 257, 344, 358, 387, 388.

- 7—Welch—Relative to establishment of dry docks at Hunter's Point in the bay of San Francisco.
Senate action or reference: pp. 95, 242, 261, 293, 324, 448, 483.
See, also, Assembly Journal, pp. 274, 326, 357.
- 8—Boynton—Relative to extending an invitation to the Congress of the United States relative to the inspection of the rivers and harbors of California.
Senate action or reference: pp. 95, 96, 391, 424.
See, also, Assembly Journal, pp. 109, 110, 234, 269, 276.
- 9—Caminetti—Relative to the continuance by the United States of the government line of steamers from eastern seaports to Colon, in the canal zone, and the extension thereof to San Francisco and other seaports on the western coast of the United States on the completion of the Panama Canal.
Senate action or reference: pp. 108, 255, 262, 263, 338, 339, 343, 405, 424.
See, also, Assembly Journal, pp. 281, 289, 306, 307.
- 10—Bills—Relative to the Simmons National Quarantine Act now before Congress.
Senate action or reference: pp. 126, 254, 264, 265, 267, 466.
See, also, Assembly Journal, pp. 257, 289, 305, 334, 335.
- 11—Campbell—Relative to Congress of the United States enacting laws and regulations giving free passage through the Panama Canal to American vessels engaged in foreign and domestic commerce.
Senate action or reference: p. 144.
- 12—Gates—Relative to arbitration peace treaties now pending before the Senate of the United States.
Senate action or reference: pp. 249, 292, 381, 382, 393, 448, 483.
See, also, Assembly Journal, pp. 298, 326, 359.
- 13—Caminetti—Relative to memorializing the Congress of the United States for favorable consideration of the project contained in the report of the California Débris Commission relating to control of floods in the river systems of the Sacramento Valley, and the adjacent San Joaquin Valley, California.
Senate action or reference: pp. 273, 292, 382, 393, 480, 500.
See, also, Assembly Journal, pp. 298, 326, 389.
- 14—Birdsall—Relative to national forests situated within the State of California and requesting the War Department of the United States to station and maintain Federal troops in such national forests during certain months.
Senate action or reference: pp. 347, 360, 399, 404, 448, 483.
See, also, Assembly Journal, pp. 320, 344, 357, 358.
- 15—Cassidy—Relative to requesting the Panama-Pacific International Exposition Commission to devote one half of all moneys appropriated for the use, establishment, maintenance and support of the Panama-Pacific International Exposition as provided by Section 22, Article IV of the Constitution of the State of California, to the benefit of that portion of the site selected for the holding of said Panama-Pacific International Exposition, to wit: that portion of Golden Gate Park in the city and county of San Francisco westerly from Twentieth avenue, as extended.
Senate action or reference: pp. 399, 465, 466.
- 16—Caminetti—Memorializing the Congress of the United States for favorable consideration of the request of the Legislature of the State of California for investigations and surveys by the California Débris Commission under the provisions of an Act of Congress, approved March 1, 1893, to aid in the preparation and making of a report on a project for the relief from floods in the San Joaquin Valley and the delta of the Sacramento and San Joaquin rivers, and for improvements in aid of commerce and navigation.
Senate action or reference: pp. 467, 475, 476, 480, 500.
See, also, Assembly Journal, pp. 387, 388, 389.



CALIFORNIA LEGISLATURE—SENATE.

THIRTY-NINTH (SECOND EXTRA) SESSION.

IN SENATE.

SENATE CHAMBER,

Sunday, December 24, 1911.

The Senate met at twelve o'clock and five minutes P. M., in pursuance to the proclamation of his Excellency Hiram W. Johnson, Governor of the State of California, dated December 23, 1911, convening the Legislature of the State of California in extraordinary session.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair, by virtue of Section 238, Article II of the Political Code.

Pursuant to Section 237, of Article II of the Political Code, Walter N. Parrish, Secretary of Senate; R. H. Jackson, Minute Clerk, and Joseph L. Coughlin, Sergeant-at-Arms, were present, and occupied their respective positions.

Lieutenant Governor Albert J. Wallace now called the Senate to order.

The roll was called and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer was offered by Rev. Father Henry H. Wyman.

PROCLAMATION OF THE GOVERNOR.

The President directed the Secretary, Walter N. Parrish, to read the proclamation by the Governor convening the Legislature in extraordinary session.

Whereupon the Secretary read the following proclamation:

PROCLAMATION BY THE GOVERNOR CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

WHEREAS, An extraordinary occasion has arisen and now exists, requiring that the Legislature of the State of California be convened,

Now, therefore, I, Hiram W. Johnson, Governor of the State of California, by virtue of the power and authority in me vested by Section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet and assemble in legislative session at Sacramento, California, on the 24th day of December, 1911, at 12:05 P. M. of that day, for the following purpose:

1. To consider and act upon a law for the protection of horticulture and to pre-

vent the introduction into this State of insects or diseases or animals injurious to fruit or fruit trees, vines or vegetables, and providing for a quarantine to prevent such introduction.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed hereunto the Great Seal of the State of California at my office in the State Capitol, this 23d day of December, in the year of our Lord one thousand nine hundred and eleven, and of the admission of the State of California, the sixty-first.

[SEAL.]

HIRAM W. JOHNSON, Governor.

Attest: FRANK C. JORDAN, Secretary of State.

RESOLUTIONS.

The following resolutions were introduced:
By Senator Bell:

Resolved, That the Senate do now organize and proceed to elect the officers and employees of the Senate for this extra session.

Resolution read and adopted.

Also:

By Senator Thompson:

Resolved, That Hon. A. E. Boynton be, and he is hereby, elected President pro tem. of the Senate; that Walter N. Parrish be, and he is hereby, elected Secretary of the Senate; that Joseph Coughlin be, and he is hereby, elected Sergeant-at-Arms of the Senate; that R. H. Jackson be, and he is hereby, elected Minute Clerk of the Senate; that Rev. H. H. Wyman be, and he is hereby, elected Chaplain of the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Beban, Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

Also:

By Senator Cutten:

Resolved, That the Standing Rules of the Senate at the thirty-ninth regular session be, and the same are hereby, adopted as the rules of the Senate at this special session: *provided, however*, that Rule 1 shall be amended to read:

1. The sessions of the Senate shall be daily (Sundays excepted), beginning at ten o'clock A. M.

And provided, further, that Rule 8 be amended to read:

8. The standing committees of the thirty-ninth regular session shall be the standing committees of this extra session.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Beban, Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

Also:

By Senator Birdsall:

Resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate is now duly organized and ready to proceed to the business of the State, having elected the following statutory officers:

President pro tem.	Hon. A. E. Boynton
Secretary of the Senate	Walter N. Parrish
Sergeant-at-Arms	Joseph Coughlin
Minute Clerk	R. H. Jackson
Chaplain	Rev. H. H. Wyman

Resolution read, and adopted.

Also:

By Senator Black:

Resolved, That a committee of three Senators be appointed by the President of the Senate to notify the Governor of the organization of the Senate, and that the Senate is now ready for business and to receive any communication he may have to make.

Resolution read, and adopted.

APPOINTMENT OF COMMITTEE TO WAIT UPON GOVERNOR.

In compliance with the above resolution, the President of the Senate appointed Senators Black, Juilliard, and Welch as such committee.

REPORT OF COMMITTEE TO WAIT UPON GOVERNOR.

MR. PRESIDENT: Your committee of three, appointed to wait upon the Governor, respectfully beg leave to report that they have informed him that the Senate is organized and is ready for business.

BLACK, Chairman.

RESOLUTIONS.

The following resolutions were introduced:

By Senator Estudillo:

Resolved, That the following named persons be and they are hereby appointed to the respective positions and at the various salaries stated opposite their names, to wit:

W. H. Wright, Assistant Secretary.....	\$6 00
Frank Mattison, Assistant Secretary.....	6 00
H. P. Travers, Assistant Secretary.....	6 00
Theodore Lafayette, Assistant Minute Clerk.....	6 00
Denis Brosnan, Journal Clerk.....	6 00
O. Perry, Assistant Bookkeeper to Sergeant-at-Arms.....	5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Cutton, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobbridge, Thompson, Walker, Wolfe, and Wright—31.

NOES—None.

Also:

By Senator Finn:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby authorized to receipt to the Controller for all warrants issued to the members, officers and attachés of the Senate, and to remain after the session and send such warrants to the owners thereof.

Resolution read, and adopted.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Cartwright, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 24, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following resolution:

Resolved, That the Chief Clerk be, and he is hereby, instructed to inform the Senate that the Assembly is in session, pursuant to the proclamation of his Excel-

lency the Governor, dated Sunday, December 24, 1911, and ready for the transaction of legislative business, with the following officers, to wit:

Hon. A. H. Hewitt.....	Speaker
Hon. H. G. Cattell.....	Speaker pro tem.
L. B. Mallory.....	Chief Clerk
T. G. Walker.....	First Assistant Chief Clerk
H. A. Harper.....	Minute Clerk
Ed H. Whyte.....	Sergeant-at-Arms
Rev. Frank K. Baker.....	Chaplain
A. H. Harlin.....	Assistant to Chief Clerk
H. D. Hopkins.....	Assistant to Chief Clerk

L. B. MALLORY, Chief Clerk of the Assembly.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Wolfe, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 24, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 1—An Act to provide for the protection of horticulture and to prevent the introduction into this State of insects or diseases, or animals, injurious to fruit or fruit trees, vines, bushes or vegetables, providing for a quarantine for the enforcement of this Act, making a violation of the terms of the Act a misdemeanor, and providing the penalty therefor; providing that said Act shall be an urgency measure and go into effect immediately, and repealing that certain Act entitled "An Act for the protection of horticulture and to prevent the introduction into this State of insects, or diseases, or animals, injurious to fruit or fruit trees, vines, bushes or vegetables, and to provide for a quarantine for the enforcement of this Act," approved March 11, 1899.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Juilliard:

Resolved, That Assembly Bill No. 1 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobebridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—35.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 1—An Act to provide for the protection of horticulture and to prevent the introduction into this State of insects or diseases, or animals, injurious to fruit or fruit trees, vines, bushes or vegetables, providing for a quarantine for the enforcement of this Act, making a violation of the terms of the Act a misdemeanor, and providing the penalty therefor; providing that said Act shall be an urgency measure and go into effect immediately, and repealing that certain Act entitled "An Act for the protection of horticulture and to prevent the introduction into this State of insects, or diseases, or animals, injurious

to fruit or fruit trees, vines, bushes or vegetables, and to provide for a quarantine for the enforcement of this Act," approved March 11, 1899.

Read first time.

Read second time.

The President put the question, "Shall the Senate concur in the statement of fact contained in Section 11 of Assembly Bill No. 1, making Assembly Bill No. 1 an urgency measure?"

The roll was called, with the following result:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Gates, Hans, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Whereupon the President announced that the Senate concurred in the statement of fact in Section 11 of Assembly Bill No. 1, making Assembly Bill No. 1 an urgency measure.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Gates, Hans, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Thompson, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 24, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 1—Relative to adjournment *sine die*.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

ASSEMBLY CONCURRENT RESOLUTION No. 1.

Relative to adjournment *sine die*.

Resolved by the Assembly, the Senate concurring, That the two houses of the Legislature of the State of California adjourn *sine die* at three o'clock and thirty minutes P. M. Sunday, December 24, 1911.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION.

On motion of Senator Hurd, Assembly Concurrent Resolution No. 1 was taken up for consideration without reference to committee.

ASSEMBLY CONCURRENT RESOLUTION No. 1.

Relative to adjournment *sine die*.

Resolved by the Assembly, the Senate concurring, That the two houses of the Legislature of the State of California adjourn *sine die* at three o'clock and thirty minutes P. M. Sunday, December 24, 1911.

Assembly concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 1 adopted by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Caminetti, Cutten, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Rush, Shanahan, Stetson, Strobbridge, Thompson, Walker, and Wright—22.

NOES—None.

Assembly Concurrent Resolution No. 1 ordered transmitted to the Assembly.

RESOLUTION.

The following resolution was introduced:

By Senator Shanahan:

Resolved, That a committee of three be appointed to notify the Governor that the Senate is ready to adjourn *sine die*, and ask if he has any further communication to transmit to the Senate.

Resolution read, and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Shanahan, Avey, and Larkins a committee to notify the Governor that the Senate, thirty-ninth (second extra) session, is about to adjourn *sine die*, and awaits his pleasure for further communication, if he has any, before so adjourning.

RESOLUTION.

The following resolution was introduced:

By Senator Wright:

Resolved, That a committee of three be appointed to notify the Assembly that the Senate is ready to adjourn, and ask if the Assembly has any further communication to address to the Senate.

Resolution read, and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Wright, Caminetti, and Lewis to notify the Assembly of the readiness of the Senate to adjourn *sine die*.

REPORT OF THE SPECIAL COMMITTEE.

Senator Shanahan, as chairman of the committee appointed to wait upon the Governor to inform him of the Senate's readiness to adjourn, reported that the Governor informed the committee that he had no further communication to present to the Senate.

REPORT OF SENATE COMMITTEE.

Senator Wright, as chairman of the committee appointed to wait upon the Assembly to inform that body that the Senate had no further communication to transmit to the Assembly and was now prepared for final adjournment, reported that they had waited upon the Assembly and so informed that body.

REPORT OF ASSEMBLY COMMITTEE.

An Assembly committee, Mr. Cattell, chairman, appeared at the bar of the Senate and announced that the Assembly had no further communications to transmit to the Senate, and was now prepared for final adjournment.

LEAVE OF ABSENCE.

Senator Curtin was, on motion of Senator Thompson, granted leave of absence for this day.

APPROVAL OF MINUTES.

The minutes of Sunday, December 24, 1911, were read, and, on motion of Senator Hurd, were approved and adopted.

FINAL ADJOURNMENT.

Whereupon, at three o'clock and thirty minutes P. M., in accordance with the provisions of Assembly Concurrent Resolution No. 1, the President declared the thirty-ninth (second extra) session of the Senate of the State of California adjourned *sine die*.

ALBERT J. WALLACE,
President of the Senate.

ALBERT E. BOYNTON,
President pro tem. of the Senate.

WALTER N. PARRISH,
Secretary of the Senate.

R. H. JACKSON,
Minute Clerk of the Senate.

DENIS S. BROSNAN,
Journal Clerk of the Senate.



INDEX TO SENATE JOURNAL.

THIRTY-NINTH (SECOND EXTRA) SESSION.

	PAGE.
ASSEMBLY. Message from, notice of organization -----	3
Message from, passage of A.B. No. 1, as a case of urgency -----	4
Message from, passage of A.C.R. No. 1 -----	5
Notification to, of organization of Senate -----	2, 3
Notification to, of readiness to adjourn <i>sine die</i> -----	6
ASSEMBLY BILL NO. 1. Declared to present a case of urgency -----	4
Final passage -----	5
ASSEMBLY CONCURRENT RESOLUTION NO. 1. Adjournment <i>sine die</i> , adoption -----	6
ATTACHÉS. Election of -----	3
COMMITTEES, STANDING. How constituted -----	2
GOVERNOR. Hiram W. Johnson.	
Notice to, of organization of Senate -----	3
Notice to, of readiness to adjourn <i>sine die</i> -----	6
Proclamation by, convening Legislature in extraordinary session -----	1
HORTICULTURE. Protection of, object of session (Governor's proclamation) -----	1
LEAVE OF ABSENCE. Granted to Senator J. B. Curtin -----	7
OFFICERS. Election of -----	2
PROCLAMATION. By Governor, convening Legislature in extraordinary session -----	1
ROLL CALL. Attendance on session -----	1
RULES, STANDING, OF SENATE. Adoption -----	2
URGENCY. A.B. No. 1 stated to represent a case of -----	4, 5
VOTE. Ayes and noes.	
Adoption of standing rules and appointment of standing committees -----	2
Concurrence in statement of fact contained in A.B. No. 1, making it an urgency measure -----	5
Declaring A.B. No. 1 to be an urgency measure, and suspending Constitution -----	4
Election of attachés -----	3
Election of officers -----	2
Passage of A.B. No. 1 -----	5
Passage of A.C.R. No. 1 -----	6

8/18/80 Gickel

